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THE CANADIAN NORTH-WEST

ITS EARLY DEVELOPMENT

7697

AND

LEGISLATIVE RECORDS

MINUTES OF THE COUNCILS OF THE RED RIVER COLONY AND THE NORTHERN DEPARTMENT OF RUPERT'S LAND.

(IN TWO VOLUMES.)

VOL. I.

EDITED BY

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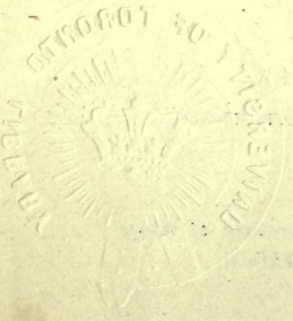

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PREFACE.

In the following pages the aim has been twofold, to give a complete picture of Pioneer Legislation and a survey of Constitutional Development in the Prairie Provinces. The documents relating to the former have been hitherto unpublished. The material for the latter has been gleaned chiefly, though not entirely, from Imperial Blue Books, Dominion Sessional Papers, Journals of the Council and Legislative Assembly of the North West Territories, Parliamentary Returns and Departmental Files. The inhabitants of the Prairies are so lately come to the West, and the care taken of official documents has, in general, been so unsystematic and inadequate, that ready access to these documents has been impossible. The section entitled the Period of Transition is avowedly incomplete. Only so much has been extracted from the Sessional Papers as would make the story of development continuous. The starting point is the Royal Charter of the Hudson's Bay Company. The conclusion is to be found in the Manitoba, Saskatchewan and Alberta Acts. The aim has been to bridge for the student and the citizen the great gulf that lies between. Towards this result we believe that no slight contribution will have been made by the publication of the Minutes, in only six or seven cases incomplete, of no less than 147 meetings of the Council of Assiniboia. Of these only three have hitherto been printed.

These are followed by those of the Northern Department of Rupert's Land from 1830-1843.

A formal commencement of political government was made in Western Canada exactly one century ago this very day. It was just one hundred years ago to-day, September 4, 1812, that Miles Macdonell, in the name of Lord Selkirk, took peaceable and quiet possession of the District of Assiniboia. It may be noted also that it has required just a hundred years from the time the first settlers came to the Red River from Hudson Bay in 1812 to effect the extension of the political boundaries of the District of Assiniboia and its constitutional successor and heir, the Province of Manitoba, from the Forks of the Red and Assiniboine Rivers to the coasts of Hudson Bay.

E. H. O.

September 4, 1912.

University of Saskatchewan,
Saskatoon.

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THE CONSTITUTIONAL DEVELOPMENT OF THE PRAIRIE PROVINCES.

The country west of Hudson Bay has enjoyed a longer continuous connection with Great Britain than any other portion of the Dominion of Canada. Its annals are richer in the romance of the fur trade, more laden with the achievements of explorers and hunters, and more marvellous in the sudden influx of peoples and growth of railways than are those of any other part of the country. It has also witnessed a greater variety of experiments in government than any other section of the Dominion.[1]

There have been four notable documents or sets of documents in the constitutional development of the Prairie Provinces. The oldest dates from 1670 and smacks of the atmosphere of the Navigation Acts, the legislative statement of the principle that colonies and plantations justify their existence only when they yield profit to the mother country. The Royal Charter incorporating the Hudson's Bay Company is not only the first but also the most important official document relating to West-

1. The following types of Government have existed on the prairies,—
   (1) The native Indian or patriarchal.
   (2) The Fur Trade Administration.
   (3) The Buffalo Hunt of the Métis (G. Dumont).
   (4) Cuthbert Grant's "New Nation" of Bois Brulés.
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         2. 2nd " " "
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ern Canada. In 1868 and 1870, two Imperial measures, following a course foreshadowed in the British North America Act, 1867, transferred the North Western Territory to the Dominion of Canada,—the first of these, 'An Act for enabling Her Majesty to accept Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading into Hudson's Bay" and for admitting the same into the Dominion of Canada,' dated July 31, 1868, (31-32 Vict. Cap. 105): and the second an Imperial Order-in-Council, dated June 23, 1870, effecting the transfer. On June 22, 1869, the new Canadian Parliament passed "An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada" (32-33 Vict. Cap. 3). This was the first of a series of Dominion Acts (32-33 Vict. Cap. 3; 33 Vict. Cap. 3; 34 Vict. Cap. 16; 36 Vict. Cap. 5; 34; etc.) relating to the government of the West. The last legislative enactments of fundamental significance were the grants of provincial charters in the Saskatchewan and Alberta Acts, 1905. Of these four sets of documents the first handed the country over to a fur company and saved North Western America to the British Crown; the second transferred these Territories to Canada and rendered possible the transcontinental confederation of the provinces; the third defined for this section of the Dominion the conditions under which its social and economic development was fostered and its political consciousness begotten; the fourth marked the culmination of a remarkable constitutional evolution and the commencement, in provincial affairs at least, of complete self rule.

THE HUDSON'S BAY COMPANY'S CHARTER.

In the promotion of this charter an important part was played by a Frenchman, Pierre Esprit Radisson; for the Royal Charter incorporating the Governor and Company of Adventurers of England trading into Hudson's Bay resulted from the meeting of Prince Rupert, Royalist trooper in the Civil War and cousin of King Charles II., with that King of all coureurs de bois and adventurous seekers after furs.

The Hudson's Bay Company's Charter bears date of May 2, 1670. The grantees number eighteen and range from "Our dear and entirely beloved Cousin, Prince Rupert" to John Portman, citizen and goldsmith of London, and John Kirke, father-in-law to Radisson. From the Charter it appears that these adventurers had already, at their own great cost, undertaken an

expedition to Hudson's Bay to discover a new passage into the South Sea, and to prosecute trade in furs, minerals and other commodities. The grant covered the right to the sole trade and commerce of all the seas, straits, bays, rivers, lakes, creeks and sounds, within Hudson's Straits; the lands, countries and territories upon their coasts which were not then actually possessed by the subjects of any Christian Prince or State; all sorts of fish, whales, sturgeons and all other royal fishes; and all mines, discovered and undiscovered, of gold, silver, gems and precious stones.

Provision was made for a Governor and Committee. Prince Rupert was nominated first Governor. The first Committee was constituted of Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, James Hayes, John Kirke, Francis Millington and John Portman. Arrangements were made to choose Deputy Governors, to hold annual elections and general Courts, to fill vacancies and remove officials. The Territory was regarded as one of His Majesty's Plantations or Colonies in America and received the name Rupert's Land. Of this the Governor and Company for the time being were constituted the true and absolute Lords and Proprietors to have, hold, possess and enjoy forever upon condition of yielding and paying yearly to His Majesty two Elks and two Black Beavers whenever he happened to enter the country. The Governor and Company might assemble and make laws and ordinances for the good government of the Company and its colonies and forts, and for the advancement of trade. They might impose penalties and punishments, provided these were reasonable and not repugnant to the laws of England. None of the King's subjects were permitted to trade within the Company's territories without leave from the Company under penalty of forfeiting their goods, one half to the Company, the other half to the King. The Company was given the right to appoint Governors and other officers, to try civil and criminal cases and to employ an armed force for the protection of its trade and territory.

IMPERIAL MEASURES.

In the two centuries that followed the granting of the Charter to the Gentlemen Adventurers the British outlook upon colonies and plantations was profoundly changed. North America became for the motherland a school of colonial experience. It was reserved to Lord Durham to strike the final blow at the paternal system of colonial administration, and

that too, at a time when at home the new spirit of the Reform Bill was paving the way for the rule of the middle classes and the succession of the democracy. It was a sign of the times that the House of Commons should appoint a Select Committee on Feb. 5, 1857, "to consider the state of those British Possessions in North America, which are under the administration of the Hudson's Bay Company or over which they possessed a license to trade." The civil powers of the great fur company had become an anachronism. For more than four decades the colony established by the enthusiast Selkirk had survived. After cruel vicissitudes it had struck deep its roots in the prairie soil. A Council had been established in Assiniboia, at first merely judicial in its functions, later, however, executive and legislative as well.

Official documents of the period illumine various phases and details of life within the community, the faggotting of roads, contracts between freighters or owners and their boatmen, the size of the settlement, the establishment of a public granary, the public inspection of weights and measures, distillation, the publication of regulations, rights to cut hay, wills, summonses, absconders, surveying. Only the beginnings of political and social consciousness, however, belong to the regime of the Council of Assiniboia. In the middle of the 19th century the great fur potentates still held sway over the vast territories of which a part now constitutes Western Canada. But the political future lay not with the traders, but with the colonists. It is not the Northern Department of Rupert's Land but the district of Assiniboia whose influence has shaped the political structure of the West. Selkirk rather than Simpson is the founder of Western Canada, just as the Council of Assiniboia and not the Hudson's Bay Company is the pioneer in the political and social legislation of the prairies.

The little community at the Forks of the Red River knew nothing of self-government. The suffrage was unknown, though every proprietor of land was held qualified and liable to act as a juror, but the desire for self-rule at last found expression, and not in the District of Assiniboia alone. In the settlement at Portage la Prairie the inhabitants actually established a provisional republic.

At Red River, though the Council of Assiniboia governed, it gave no effectual protection, and the dangerous Sioux were only kept in check by the voluntary efforts of the brave half-breed buffalo hunters. In the settlement there was gradually

formed a Canada party. In Great Britain the continuance of the Company's privileges upon former lines was seen to be impossible. The Confederation of the Canadian Provinces showed in what direction lay the solution of many difficulties, just as the Canadian agitation for the incorporation of the Hudson's Bay Territories was what chiefly prompted the Imperial Parliament to reduce the Company to the rank of a commercial corporation, and to transfer the Territories to the new Dominion.

The British North America Act, 1867, enacted that it should be lawful for Her Majesty, on address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North Western Territory or either of them into the Union (sec. 146). In pursuance of this Act was passed the enabling Act of July 31, 1868, cited by the short title, "Rupert's Land Act, 1868." This granted Her Majesty the power to accept a Surrender of "all rights of government and proprietary rights, and all other privileges, franchises, powers and authorities" belonging to the Hudson's Bay Company, but reserved to the Company the right to carry on trade and commerce in Rupert's Land or elsewhere. Her Majesty was granted authority to declare Rupert's Land a part of the Dominion of Canada by Order-in-Council. The Parliament of Canada was authorised "to make, ordain, and establish within the land and territory so admitted all such laws, institutions, and ordinances, and to constitute such courts and officers as might be necessary for the peace, order and good government of Her Majesty's subjects and others therein." Until otherwise enacted by the Dominion Parliament the jurisdiction of existing courts and officers was to continue. Of this Rupert's Land Act, 1868, the complement is an Imperial Order-in-Council which begins thus:—"At the Court of Windsor, the 23rd day of June, 1870; Present, The Queen's Most Excellent Majesty, Lord President, Lord Privy Seal, Lord Chamberlain, Mr. Gladstone." The Document includes some interesting schedules and memoranda in its eleven pages. Of these an Address to the Queen from the Canadian Senate and House of Commons, indicates the advantage that will accrue to Canada and the whole Empire by the extension of the Dominion westward to the Pacific Ocean. It declares that the colonization of the fertile lands of the Saskatchewan, the Assiniboine, and the Red River Districts, the development of the mineral wealth which abounds in the regions of the North West; and the extension of commercial intercourse through the

British possessions in America from the Atlantic to the Pacific are alike dependent upon the establishment of a stable government for the maintenance of law and order in the North Western Territories. A second schedule includes the communications relative to the terms of the transfer; a third, the deed of surrender from the Company to the Queen. The Order-in-Council admitted the North Western Territory and Rupert's Land into the Dominion on July 15, 1870, and gave the parliament of Canada full power and authority to legislate for their future welfare and good government. The transfer was made upon the following terms,—That Canada should pay the Company £300,000 sterling; that the Company should retain the Posts they actually occupied in the North Western Territory, and might within 12 months of the surrender, select a block of land adjoining each Post outside of Canada and British Columbia; that for fifty years after the settlement, the Company might claim 1/20 of the land set apart for settlement in the Fertile Belt bounded on the South by the U. S. Boundary; on the West by the Rocky Mts.; on the North by the North Saskatchewan; on the East by Lake Winnipeg, the Lake of the Woods and the waters connecting them. All land titles conferred by the Company up to March 8, 1869, were confirmed. The Company retained the liberty to carry on trade as a corporation, and was safeguarded from exceptional taxes on its land, trade and servants, and from import duty on goods brought to the country prior to the surrender. Canada also agreed to take over the materials of the electric telegraph at cost price, and to relieve the Company from all responsibility to satisfy Indian claims to compensation for lands required for purposes of settlement.

DOMINION LEGISLATION.

The series of Dominion Acts relating to the West begins with "An Act for the temporary government of Rupert's Land and the North Western Territory when united with Canada," June 22, 1869. This Act sought to prepare for the transfer of the Territories from the local authorities to the Government of Canada. The name "North West Territories" was applied to the entire territory. It was enacted that a Lieutenant Governor should be appointed to provide for the administration of justice, and to make and establish the necessary laws, institutions and ordinances subject to the ratification of Parliament. The Lieut-

enant Governor was to be guided by instructions from time to time given him by Order-in-Council, and was to receive the assistance of a council of from seven to fifteen persons. Until further provision was made, existing laws were to remain in force and public officers to retain their offices.

A year later the Manitoba Act (33 Vict. 3) launched upon its independent political career, the old District of Assiniboia. Its constitutional framework included a Legislative Council as well as a Legislative Assembly. When six years later the Legislative Council was abolished the Province of Manitoba had taken on the constitutional form which has endured to the present day.

The Province of Manitoba had been carved out of the North Western Territory. On the passing of the Manitoba Act the name North West Territories was given to the portion of Rupert's Land and the North Western Territory not included in the Province. The legislation passed in 1868 with reference to the whole territory was reenacted with reference to the new, limited, North West Territories. To aid the Lieutenant Governor of Manitoba in the administration of the North West Territories a Council was to be appointed with powers defined by Order-in-Council. In 1870 Lieutenant Governor Archibald, by a stretch of authority of which he was at the time unaware, but which a serious outbreak of smallpox on the Saskatchewan went far towards justifying, appointed a small executive council of three, Hon. Mr. Justice F. G. Johnson, Hon. Donald A. Smith and Hon. Pascal Breland. In 1873 the number of Councillors was fixed at from seven to twenty-one. The complete list of Councillors appointed prior to 1875 contains eighteen names. This admittedly provisional government (from Fort Garry by the Lieutenant Governor and his North-West Council) addressed itself to the task of laying the foundations of Territorial administration. It did much to secure the good will of the Indian tribes and concluded with them various important treaties.

The Magna Charta of separate political existence for the North West Territories is a Dominion Act, assented to on April 8, 1875, "An Act to amend and consolidate the Laws respecting the North West Territories" or "The North West Territories Act, 1875." This Act consisting of 79 sections relating to government and legislation, the election of members of the Council or Assembly, the descent of real estate, wills, status of married women, registration of deeds, administration of jus-

tice and prohibition of intoxicants, defined the conditions under which Territorial development was to take place during the most formative decade of its existence. It is with the appointment on Oct. 27, 1876, of Hon. David Laird as Lieutenant Governor for the Territories alone that a distinctive political career for the North West Territories commences. The first legislative Session of the North West Council in accordance with the act of 1875, and under the Presidency of Lieutenant Governor Laird, began at Livingstone, Swan River, on March 8, 1877. Then for three sessions of the Council Battleford was the capital, till the building of the Canadian Pacific Railway transferred the seat of government to Regina.

It was a notable career of political development that lay ahead. The acquisition of the North West had been the brilliantly conceived policy of the new Dominion. But the East did more than acquire the West. It moulded its development. Men trained in the atmosphere of Canadian constitutional struggles played the leading role in the constitutional history of the new Territories.

With the construction of the railway passed the old North West. Trade routes for freighters which had run East and West now began to run North and South. Settlements ceased to follow the course of the rivers. The constitutional and political change wrought in the Territories was no less profound. The election of Chief Factor Lawrence Clarke in 1881 to represent the District of Lorne was the first opportunity given the settlers themselves to express their sentiments in the administration of affairs. Three years later the elected representatives of the people became numerous enough to exert an influence upon legislation. The years that ensued were wonderfully formative. In 1884 the North West Council laid the foundations of school and municipal systems. The crushing of the halfbreed uprising in 1885 permanently banished the spectre of Indian disorders. A year later was established a Territorial judiciary. Then followed a Parliamentary struggle for the control of the purse. In this contest—fortunately by no means an embittered one—victory lay with the cause of popular government. It was not, however, till 1897, when the Territories were on the eve of a remarkable growth in population and economic development that the Government which for half a decade had been giving expression to the people's will, was made completely responsible in form as it already was in fact.

The increased volume of immigration necessitated heavier expenditures upon education, public works and local administration. It was impossible to introduce Municipal organizations into many districts outside the limits of the denser settlements. The result was to impose upon the Territorial Government excessive burdens. Financial embarrassments gave rise to constitutional aspirations. Finally, after a prolonged agitation and discussion turning mainly upon the true interpretation of the clauses of the British North America Act relating to education, the Saskatchewan and Alberta Acts provided for the erection on September 1, 1905, of two Provinces, Saskatchewan and Alberta. The Acts as passed became Provincial Charters. They defined the boundaries of the provinces, made applicable the British North America Acts 1867 and 1886, provided for representation in the Senate and House of Commons, continued in operation all Territorial laws and regulations, converted existing educational regulations respecting separate schools into laws permanently binding on the provinces, provided for annual Dominion subsidies, and for a certain compensation (in lieu of local control) for the retention by the Dominion of the public domain within the provinces, divided Territorial assets and liabilities equally between them, safeguarded the rights and properties of the Hudson's Bay Company and arranged schedules for electoral divisions.

It is a wide gulf that separates the Royal Charter of 1670 from the Saskatchewan and Alberta Acts of 1905. In that period of more than two centuries Britain learned the secret of Empire. Canada has given to the word "colony" an entirely new signification. If the Royal Charter was conceived in the atmosphere of the Navigation Acts, the Saskatchewan and Alberta Acts were conceived in the atmosphere of Lord Durham's Report and the British North America Act. The difference between 1670 and 1905 is indicated in the very names of the documents of these years. The Charter of 1670, in the absence of a population, was naturally a Royal Charter. The Acts of 1905 were the Saskatchewan and Alberta Acts. The former was for the Royal Prince Rupert, but also for the Royal Charles himself, for Majesty received dividends, duly paid in gold, even though the two Elks and two black Beavers never passed from Rupert's Land to Whitehall. The latter were Acts for Saskatchewan and Alberta, for the people. In 1670 plantations and colonies were governed for the pro-

fit of the governing; in 1905 government was for the benefit of the governed.

The landmarks in the growth of provincial institutions for Manitoba are the coming of the Selkirk colonists, the development of the Council of Assiniboia, the passing of the Hudson's Bay Company as a governmental body, the enactment of the Manitoba Act and the abolition of the Legislative Council. The chief stages in the political development of the North West Territories are indicated by the capitals, Fort Garry, Swan River, Battleford and Regina. When the Government was at Fort Garry, the Territories were administered by officials resident in a neighbouring province. In Livingstone, Swan River, the Lieutenant Governor and Councillors belonged for the first time to the Territories exclusively. Battleford marked the beginnings, but only the beginnings, of self-government. It was reserved to Regina to witness the evolution from the North West Council to Legislative Assembly, from Territories to Provinces.

2. THE DISTRICT OF ASSINIBOIA.

INTRODUCTION.

Alexander MacKenzie was a dreamer. His dreams had carried him far, to Arctic and Pacific, the full length of the River he himself named Disappointment, but others named MacKenzie, and across what were then called the Stony Mountains. He had visions of a world-wide fur monopoly, designed to include even the Russian trade; yet he was the man who infected with his interest in the prairie Thomas, fifth Earl of Selkirk, who more than any other individual paved the way for that settlement of the West which terminated the rule of the fur traders. And Selkirk, too, was a man of visions, and, if his large holdings of stock in the Hudson's Bay Company mean anything, not uninterested in the fur trade. But Selkirk, we may believe, was more interested in men than in beaver skins. His colonising enterprises on the Atlantic seaboard and in the heart of the Great Lakes appealed to him more powerfully than The Honourable Company's dividends. He had the enthusiasm of those ancient Greek colonisers who set forth to found new states, confident in the virtue of fire plucked from the ancestral hearth. His passion to make fruitful the waste places of the earth, to lead the cramped fortunes of his fellow countrymen into the larger opportunities of those far flung reaches of land of which MacKenzie and Colin Robertson told him, made him recognise in his fellow Scots the proper timber for his new enterprise.[1]

The first years of the colonists at the junction of the Assiniboine and Red Rivers were full of suffering. With the passing

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[1] A less appreciative view is expressed in a letter from Wm. McGillivray to Major Loring, Nov. 28, 1815 (Dominion Archives, *Red River Disturbances*, M. 778 F.),—"Its origin was bottomed upon the ostensible pretext of aiding the Hudson's Bay Company in their trade, but with the real intention of directly ruining that of their rivals the North West Company as His Lordship had previously become a partner of the other concern, and possibly under the further idea of turning the scheme of Colonization to his personal advantage, if the trade of both Companies should from its effects in the event of its success be involved in ruin. Colonization at the distance of two thousand miles from an Atlantic Port, in the heart of Indian nations and above one thousand miles from any other agricultural establishment or outlet to a market, confirms the belief that something beyond what was avowed was cautiously concealed under a plausible exterior."

of the bitter rivalry between the fur traders, however, came reorganisation and consolidation for the Companies, and for the Red River Settlers in the District of Assiniboia the inauguration of peace, if not of prosperity. Though Selkirk died, and his executors grew weary, and floods and grasshoppers followed each other in disastrous succession, and industrial schemes proved abortive, the Colony itself was estabilshed, and the settlers on the Red River became the vanguard of a mighty movement to the Western plains that embraces the tribes of the earth.

THE DISTRICT OF ASSINIBOIA.

On June 12, 1811, the Hudson's Bay Company ceded to Thomas, Earl of Selkirk, a large territory along the Red and Assiniboine Rivers. From the former river the colony was called the Red River Settlement; from the latter, the district received the name Assiniboia, or, as it appears in early documents, Ossiniboia.

This grant of land is defined in the Deed as "all that tract of land or territory being within and forming part of the aforesaid lands and territories of the said Governor and Company, bounded by an imaginary line running as follows, that is to say, beginning on the western shore of Lake Winipic, otherwise Winnipey at a point in fifty two degrees and thirty minutes North Latitude, and thence running due west to the Lake Winipigoos otherwise called Little Winnipey, then in a southerly direction through the said Lake so as to strike its Western shore in Latitude Fifty two Degrees, then due west to the place where the parallel of fifty two degrees North Latitude intersects the Western Branch of Red River otherwise called Assiniboyne River, then due south from that point of intersection to the Height of Land which separates the waters running into Hudson's Bay from those of the Missouri and Mississippi, then in an easterly direction along the said Height of Land to the source of the River Winipic or Winnipey (meaning by such last named river, the principal branch of the waters which unite in Lake Saginagus) thence along the main stream of these waters and the middle of the several Lakes through which they flow to the mouth of the Winipic River and thence in a northerly direction through the middle of Lake Winipic to the place of beginning."

With the determination of the international boundary a portion of the Earl's domain was found to be within the

bounds of the United States. To this extent his grant became inoperative. The term District of Assiniboia accordingly was applied to that portion of the original grant which was within British Territory. This was done by a Resolution adopted by a General Court of the Hudson's Bay Company held Mar. 13, 1839,—"That the District of Assiniboia shall be coextensive with such portion of the Territory granted to the late Thomas, Earl of Selkirk, on the 12th day of June, 1811, as is now within the Dominions of Her Britannic Majesty."

The District of Assiniboia had moreover, a still more restricted application. The *Municipal* District of Assiniboia, according to regulations adopted June 25, 1841, "extended in all directions fifty miles from the forks of the Red River and the Assiniboine." The supreme legislative and judicial functions within the community were vested in a Governor and Council with commissions duly empowered by the Hudson's Bay Company.

The importance of the work of the Governor and Council of Assiniboia consists in the circumstance that they were pioneers. As pioneers they laid the foundations of prairie legislation. They were the first to frame general measures for the public welfare of what is now Western Canada.[1]

3. THE CONSTITUTION OF THE COUNCIL OF ASSINIBOIA.

Mr. ADDERLEY,—"Have the inhabitants of the Red River Settlement any influence whatsoever over the decisions of the Council which govern them?"

Sir GEORGE SIMPSON,—"The Principal inhabitants of Red River are themselves the councillors of Assiniboia, with the Governor."

Mr. ADDERLEY,—"Who appoints his Council?"

Sir GEORGE SIMPSON,—"They are appointed by the Company, at the suggestion of the Governor, or on the application of any of the inhabitants."[2]

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[1] The late Provisional District or Territory of Assiniboia of the Northwest Territories has nothing more than the name in common with the District now under discussion.

[2] Minutes of evidence taken before the Select Committee on the Hudson's Bay Company. Feb. 26, 1857.

The Councils of Assiniboia are of two types, belonging to what we have styled the Selkirk and the Company periods. Without entering into the perplexing question of the date of the transfer of the District of Assiniboia back from the Selkirk Estate to the Company it is possible to state with definiteness that by Feb. 12, 1835, the reorganized Council of Assiniboia was in existence. For the period subsequent to this we give in the published text the exact dates of the meetings and the constituent membership of the Councils.

For the Selkirk period, however, our information is not so complete. Still it is possible from a study of the Selkirk Papers, the Bulger Correspondence, etc., in the Dominion Archives to determine the precise date of seven meetings of the Council, the date within one month of three others, the approximate date of still another, and in a large measure to reconstruct from the very beginning the membership of the Councils.

MEETINGS OF THE COUNCIL.

In the following table we give the dates, as nearly as they are known, of eleven meetings, and the names of the Councillors who participated:—

Date.	Members Present.	Remarks.
June 24, 1815	James White	
	Archibald McDonald	
	Peter Fidler	
	James Sutherland	
Dec. 4, 1822	Andrew Bulger	
	Thomas Thomas	
	Alex. McDonnell	
	W. H. Cook	
	John Pritchard	
Feb. 18, 1823	Andrew Bulger	
	Thomas Thomas	
	John Pritchard	
May 3, 1823	Andrew Bulger	
	Thomas Thomas	
	W. H. Cook	
	John Pritchard	
July 8, 1823	Thomas Thomas	
	W. H. Cook	
	John Pritchard	
Sept. 23, 1823	William Kent	
	Thomas Thomas	
	W. H. Cook	
	John Pritchard	
	Alex. McDonnell	By correspondence.

Date.	Members present.	Remarks.
Between Oct. 2 and Nov. 1, 1823	George Simpson Governor Pelly (?) Others not known.	Minutes not found, but regular meeting.
The same	The same	The same.
The same	The same	Private meeting.
Spring of 1824 (?)	George Simpson Governor Pelly (?) etc.	"Grant was on the carpet."
May 4, 1832	George Simpson Donald McKenzie James Sutherland John Pritchard Robert Logan	

In the following table an attempt is made to reconstruct the membership of the Councils as they existed prior to 1835.

Councils of Assiniboia Prior to 1836.

Governor or Agent.	Councillors.
Miles Macdonell	Owen Keveny, LeSerre, K. McRae, Archibald McDonald, Chiefs of E. and W. Winipic (1). George Holdsworth, John Spencer, Chiefs of E. and W. Winipic, Archibald McDonald (W. Sinclair and W. Hillier.) (2). James White. (3). John Pritchard (4). James Sutherland (5). Thomas Thomas (5).
James White	Archibald McDonald, Peter Fidler, James Sutherland.
Colin Robertson	Alexander McDonnell, Peter Fidler.
Robert Semple	Thomas Thomas ; James Sutherland (?) Peter Fidler. (?)
Alex. McDonnell	Thomas Thomas [1] (?).
Andrew Bulger	Thomas Thomas, William Hemmings Cook, John Pritchard, James Bird, Alexander McDonnell, Frederick Matthey, (John West, Robert Logan.)
William Kempt	Thomas Thomas, William Hemmings Cook, John Pritchard, Alex. McDonnell.
Robert Parker Pelly	Thomas Thomas, William Hemmings Cook, John Pritchard, Alexander McDonnell, Robert Logan, Rev. D. T. Jones. (2)
Donald McKenzie	James Sutherland, John Pritchard, Robert Logan.

(1) June 12, 1813; (2) Feb. 1814; (3) July 1814; (4) March 1815; (5) May 1815.

This table as given is based upon documentary evidence reproduced in the published text and it is probable that it is

[1] See discussion of this point under "Work of the Council."
[2] George Simpson suggested to add the R. C. Bishop of Juliopolis and the Chief Factor of the District.

fairly complete. The Councils of Robert Semple and Alex. McDonnell, however, are admittedly defective. In the case of Robert Semple the Selkirk Papers [1] contain appointments made by him on Aug. 30, 1815, as follows:—

Thomas Thomas,—"Member of my Council and a Councillor of the Assiniboia District."

William Thomas,—"Member of my Council and one of the Councillors of Moose District."

James Bird,—"A member of my Council within these Territories."

Then follow the words,—

"Also to William Sinclair, Esquire,
John Charles, "
James Sutherland, "
Peter Fidler, "

As James Sutherland and Peter Fidler have been immediately previous to this date, that is to say on June 24, 1815, scarcely more than two months before, members of the Council of Assiniboia, it is more than likely that their appointments as Councillors had reference to Assiniboia. They have been so placed in the table, with an indication however, that this is not established.

In the case of the Council of Alex. McDonnell we can prove that Thomas Thomas was a Councillor for Robert Semple and for Andrew Bulger. The appointment lay not with the local representative but with the Hudson's Bay Company in London. The Company made it their policy to continue the Councillors in office, and Thomas Thomas had now settled in the Colony. That he was a member of the Council is fairly probable.

The Company Period.

Up to 1835 the total membership of the Councils of Assiniboia, even including the Governor or Agent, never exceeded seven. In fact the number present at any meeting was never greater than five. Though even after 1835 the Council continued to be what Captain Bulger called an "appointed Council," yet the constitution of the Council of Assiniboia underwent a profound change in the middle thirties. The ownership of the District itself passed from the Selkirk Estate

[1] Dominion Archives, Selkirk Papers, LXX, 1850-1.

again to the Company. Just when is not clear[1] but the remodelling of the Council into a more representative form shows the influence, if not of new hands, at any rate of a closer contact. There is a great gulf between the Council of May 4, 1832, and that of Feb. 12, 1835, although George Simpson was President of both. At the former were present five members, at the latter, fifteen. The distinction, however, is greater than a mere numerical differentiation. It was the introduction of representative government. Of the fifteen Councillors present in 1835, four were present in 1832. Donald McKenzie the only Councillor present in 1832 who was absent in 1835, had on the expiration of his office of Governor in June, 1833, retired to New York State. Two others, James Bird and William H. Cook had been appointed Councillors as early as 1822. Rev. D. T. Jones was a Councillor under Governor Pelly although we have no record of actual attendance on his part at any session. All these constituted the link with the past. The new element in the Council was represented by,

Rev. Wm. Cockran, Chaplain.
John Charles, } Councillors of Rupert's Land.
Alex. Christie, }

and the following who sat by invitation,—

Bp. of Juliopolis, Roman Catholic Bishop,
Donald Ross, Chief Trader,
Alex. Ross, Sheriff of Assiniboia,
John Bunn, M.D., Medical Adviser,
Andrew McDermot, Merchant.

These constitute the more influential members of the community. So far as they were regular Councillors they received their Commissions directly from the Governor, Deputy Governor and Commitee of the Hudson's Bay Company. Those who sat by invitation owed their seats to the opinion formed by the other Councillors as to their standing in the community.

Throughout the history of the Council the membership did not increase materially. The largest Councils convened on special occasions,—1. June 13, 1839,—when the minutes of the General Court of the Hudson's Bay Co., rescinding the Resolu-

[1] Martin has discussed this difficulty in the *Hudson's Bay Company Land Tenures.*

tions of 1822 and 1823 were read and new appointments announced.

2. June 19, 1844,—when a series of important resolutions were passed.

3. Jan. 23, 1868,—when no less than eight new Councillors took the oath.

But if the Council did not become larger the sessions grew more frequent. This is evident if we compare the three periods of approximately equal duration which constitute the history of the Council, 1835-1869.

1. 1835-1845, inclusive, ... 15 sessions.
2. 1847-1858, " . . . . . 35 "
3. 1859-1869, " . . . . . 64 "

Including the eleven sessions previous to 1835, and an informal session on September 6, 1870, we have information concerning no less than 126 sessions of the Council of Assiniboia. The date, the attendance, and the names of the Presiding officers of the period 1835-1869 are herewith given,—

Date of Council.		Number Present.	Presiding Officer.
Year.	Month.		
1835	Feb. 12 ...	15 (1)	George Simpson.
1835	Apr. 30...	12	" "
1836	June 13....	12	" "
1837	Feb. 2....	11	Alex. Christie.
1837	June 16....	14	George Simpson.
1838	" 15....	12	Alex. Christie.
1839	" 13....	17	George Simpson.
1839	July 4....	14	" "
1840	June 8....	13	Duncan Finlayson.
1841	" 25....	15	Sir George Simpson.
1843	July 3....	15	" "
1844	June 19....	17	" "
1845	Apr. 3....	14	Alex. Christie.
1845	June 16....	14	Sir George Simpson.
1845	" 19....	14	" "
1847	Jan. 15....	12	Alex. Christie.
1847	Feb. 19....	12	" "
1847	May 20....	13 (2)	" "
1847	June 8....	11	" "
1847	Nov. 18....	13	" "
1848	May 9....	12	" "
1848	July 27....	12	" "
1848	Sept. 20....	14	" "
1848	" 20....	15	Major W. B. Caldwell.
1848	Oct. 10....	11	" "

(1) Including 5 by invitation.
(2) Including one by invitation.

Date of Council.		Number Present.	Presiding Officer.
Year.	Month.		
1848	Dec. 7....	11	Major W. B. Caldwell.
1849	May 31....	13	" "
1849	July 30....	9	" "
1849	Oct. 12....	10	" "
1850	Jan. 22....	9	" "
1850	July 8....	11	" "
1850	Sept. 5....	14	Eden Colvile.
1850	Oct. 16....	11	" "
1851	May 1....	7	Major W. B. Caldwell.
1851	Nov. 27....	.....	" "
1852	July 13....	.....	" "
1852	Dec. 9....	7	" "
1853	Mar. 29....	9	" "
1853	Oct. 18....		
1853	Dec. 8....		
1854	June 22....	.....	" "
1854	Aug. 3....	.....	" "
1855	Feb. 28....		
1855	July 19....	7	Francis G. Johnson.
1856	Feb. 27....	10	Francis G. Johnson.
1856	May 27....	7	"
1857	June 25....	7	"
1857	Sept. 19....	12	"
1858	June 23....	8	"
1858	Dec. 9....	9	William Mactavish.
1859	Mar. 10....	12	"
1859	May 12....	10	"
1859	" 26....	10	"
1859	Dec. 7....	12	"
1860	Feb. 27....	12	"
1860	Mar. 27....	13	"
1860	May 10....	11	"
1860	Sept. 4....	8	"
1861	Mar. 5....	14	"
1861	" 14....	14	"
1861	April 9....	10	"
1861	June 8....	12	"
1861	Nov. 5....	10	"
1862	Jan. 9....	8	"
1862	Mar. 13....	9	"
1862	April 8....	9	"
1862	" 11....	9	"
1862	June 4....	11	Alex. G. Dallas.
1862	July 18....	10	William Mactavish.
1862	Oct. 30....	10	"
1862	Nov. 25....	12	Alex. G. Dallas.
1863	Mar. 11....	14	"
1863	April 9....	10	"
1863	" 28....	13	"
1863	July 18...	6	William Mactavish.
1863	Aug. 17....	11	"
1863	Dec. 19 ...	10	Alex. G Dallas.
1864	Jan. 7....	9	"
1864	Mar. 12....	13	"
1864	May 4....	12	"
1864	" 9....	13	"
1864	July 15....	7	William Mactavish.

Date of Council.		Number Present.	Presiding Officer.
Year.	Month.		
1864	Sept. 29....	8	William Mactavish.
1864	Nov. 3....	7	"
1865	Jan. 12....	7	John Black.
1865	Mar. 21....	8	"
1865	May 30....	10	"
1865	July 18....	6	"
1865	Aug. 3....	8	William Mactavish.
1865	" 31....	8	"
1866	Jan. 4....	12	"
1866	Feb. 22....	11	"
1866	Mar. 28....	9	John Black.
1866	June 15....	8	William Mactavish.
1866	" 23. ..	7	John Black.
1866	Nov. 29....	9	William Mactavish.
1867	Mar. 7....	11	"
1867	April 12 ...	10	"
1867	" 30....	8	"
1867	May 20 ...	11	"
1868	Jan. 23....	18	"
1868	Feb. 5....	15	"
1868	May 18....	13	"
1868	Aug. 6....	12	"
1868	Aug. 10...	9	"
1868	Oct. 19 ...	8	"
1868	Nov. 7....	10	"
1868	Dec. 17....	10	"
1868	" 29....	12	"
1869	Jan. 28....	12	"
1869	May 17....	12	John Black.
1869	Oct. 19....	8	"
1869	" 25....	9	"
(1)1869	" 30 (2).	7	"

(1) This list does not include an informal meeting at Lieutenant Governor Archibald's levee, Sept. 6, 1870.

(2) This Council is not recorded in the Minute Book. See sessional papers, 33 Victoria, No. 12, p. 137.

GOVERNORS, AGENTS, PRESIDENTS AND ADMINISTRATORS.

MILES MACDONELL.—Miles Macdonell was born in New York State. The family was Loyalist. On June 6, 1796, Miles was appointed Captain of the Royal Canadian Volunteers by Lord Dorchester. He was chosen by Lord Selkirk to establish his colony on the Red River. In June, 1811, the Hudson's Bay Company appointed him Governor of the District of Assiniboia, and Lord Selkirk appointed him his Agent and Superintendent. He arrived at Red River with his first band of settlers in the colony in August, 1812, and took formal possession on September 4. Differences soon arose with representatives of the North West Company. On January 8, 1814, he issued a proclamation forbidding the exportation of provisions. He organized the first Council of Assiniboia. On October 21, 1814, he issued Notices to representatives of the North West Company to quit the District. In the struggle that ensued Macdonell surrendered on June 22, 1815, and was carried a prisoner to Lower Canada. He returned to the country with Selkirk in 1817.[1] He died in Canada in 1823. His letter book is preserved in the Dominion Archives.[2]

JAMES WHITE.—James White had studied medicine at the University of Edinburgh and for a time was an assistant apothecary in that city. From Nov. 25, 1809, to Sept. 17, 1811, he was acting assistant surgeon on H.M.S. Beagle. He came to Red River in 1814 as surgeon for the Colony. He was then twenty-five years of age. The terms of his engagement to Selkirk are given in the Selkirk Papers[3]. He was appointed at a salary of 50 pounds per annum, to commence from the date of embarkation, lodging and subsistence for the first two years after his arrival, and 500 acres of land. Selkirk who

[1] The Instructions issued by the rival Companies to the persons in charge of their respective posts for the general restitution of all property seized, dated July 15, 1817, is signed by (among others) Miles Macdonell as "Gov. of Ossiniboia." Dominion Archives, M. 778 G. 40. See also M. 778 D. 103.

[2] M. 155, pp. 253-338.

[3] Dominion Archives, Selkirk Papers, IV, 1064, gives an extract of a letter to Selkirk stating his qualifications IV, 1125 gives the terms of his engagement

discerned in him excellent judgment, had him appointed a member of Miles Macdonell's Council in July, 1814. He was second in command and had charge during Macdonell's absence in 1814.[1]

After the surrender of Macdonell, White presided at a meeting of the Council of Assiniboia, June 24, 1815, and on the following day concluded Articles of Agreement with the Halfbreeds.[2] Semple's criticism of him was severe. He characterised him as "unfit to command" and a "slave to liquor."

Colin Robertson.—Colin Robertson served an apprenticeship as a clerk with the N. W. Company. Through Chief Factor James Sutherland he engaged to take part in the Athabasca expedition. In a letter to Selkirk on Mar. 16, 1814, he enclosed a testimonial dated Montreal, Sept. 15, 1809, which he had received from Mactavish, McGillivray and Co., on severing his connection with the N. W. Co. He was able to have Maitland, Gardener, Auldjo and Co., appointed Montreal Agents for the Hudson's Bay Company. He left Lachine with the brigade, May, 1815. When en route to the interior he learned of the destruction of the Colony. About 140 settlers went to Canada. Those who refused to go were driven to Jack River, Norway House. They returned to Red River August 19, 1815, under Robertson's protection. Robertson undertook the management of the affairs at Red River and the reestablishment of the Colony, and won Selkirk's warmest acknowledgments for his work. [3]He had Alex. McDonnell and Peter Fidler as assistants. On Mar. 17, 1816, at the head of an armed party of H. B. Company servants he attacked Fort Gibraltar. He won the rank of Chief Factor in the fur trade. Gunn says of him[4],—"Mr. Robertson was tall and stout with a fearless disposition and a considerable degree of ostentatiousness in his appearance. His mind was well informed, and his disposition affable and kind; he spoke the French Canadian language fluently and was in every respect qualified to become a leader of men."

Robert Semple.—Robert Semple a British officer who had risen to the rank of Governor in Chief of the Hudson's Bay Territories, was born in 1766, in Boston, Mass. He had

[1] Dominion Archives, Selkirk Papers, IV, 1146.
[2] See Dominion Archives, M. 778 D. R. R. Disturbances; also copies of affidavits made by White on April 8, 1815.
[3] Dominion Archives, Selkirk Papers, III, 990.
[4] History of Manitoba, p. 128.

travelled extensively on commercial enterprises in Europe, Africa and South America, and had written accounts of his travels. He was not entirely suited to the rough work that lay ahead of him when he arrived at Red River on Nov. 3, 1815. The troubles with the N. W. Co., were at their height. After the capture of Duncan Cameron at Fort Gibraltar, Semple sent off his prisoner in charge of Colin Robertson, and lost thereby his most valuable adviser. He was slain at the massacre of Seven Oaks, June 19, 1816. Coltman says of him[1]—"It is evident he was a man of considerable talent and attainments, although his language was often far from being conciliatory . . . . . He appears for the most part to have looked for the justification of his proceedings rather to a general sense of natural justice combined with some reference to the chartered rights of the H. B. Co., than to any acknowledged principles of law". He was gratefully remembered in the settlement, "A Code of Laws and a Governor Semple to administer them," wrote John Pritchard in 1821[2] "are the only things necessary to secure the peace of this country and the prosperity of its inhabitants."

Alexander McDonell.—Alexander McDonell was Sheriff of the Red River Settlement under Governor Semple. On or about Mar. 19, 1816, with John Pritchard and others he forcibly entered the N.W. Company's establishment at Pembina. He succeeded to the command on the death of Governor Semple at Seven Oaks, June 19, 1816. He and his people evacuated the Fort, June 22, and passed on to Lake Winnipeg. He governed from this date to the coming of Captain Bulger in 1822.[3] Selkirk appointed him his agent and attorney. A great deal of adverse criticism has been levelled at his administration. Simpson charged that he lacked capacity and influence of character and was engaged in speculation. Angus Matheson and seventeen other settlers, however, urged that they had no fault to find with the internal regulation of the colony, and that they were highly satisfied with the treatment they had received from him.[4] After the expiration of his term of office as Governor he continued to serve under his successor as Councillor of Assiniboia. Pelly and Simpson wrote in very violent language concerning him—"Mr. Mc-

[1] Report, 176.
[2] Dominion Archives, Selkirk Papers, XXII-XXIII, 7259.
[3] Governor Miles Macdonell however still retained his commission n 1817.
[4] Dominion Archives, Selkirk Papers, XIX, 6405.

Donell is the most troublesome character in the Colony and I think decidedly inimical to its well being and prosperity."

"There is not a man in the settlement I have such a bad opinion of as McDonell. He is so excessively selfish and possessed of so much low trickery and cunning. In fact I consider him nothing better than a common swindler or thief."

"McDonell is disaffected and the bitterest enemy to the executors in this place."[1]

Despite these charges this Grasshopper Governor, as he was styled, is entitled in no small degree to the credit of having established and maintained the settlement after it had been a second time broken up.

Andrew Bulger.—A native of Newfoundland, Captain Bulger embarked for Canada in 1812. He was engaged in the war with the United States, served on the lakes, was present at Detroit and at Chrysler's Farm, and was sent to the relief of Michilimackinac. He had been in charge of a Post on the Mississippi. He arrived in the colony June 28, 1822, and remained for little more than a year. He found the situation little to his liking. He was constantly embroiled with Chief Factor John Clarke of the H. B. Co. Some authors speak of him as impractical. Doubtless he was irascible, but a study of the Bulger Correspondence creates the impression that he was prompt and efficient. He was not happy in his work as Governor. In a letter to Andrew Colvile, dated Dec. 7, 1822, Fort Douglas[2] Governor Bulger wrote: "I did not expect when I left England to be called upon at any time to perform any judicial functions for which I am not competent in point of ability, nor qualified by law.[3] The management of the settlement for one year was all that I had agreed to undertake; and it was, as I understood, to give me more authority in the eyes of the settlers than I could possibly have, if merely the agent of the Executors, that a commission as Governor of Assiniboia was granted to me. No provision appears to have been made to secure to me the respect and obedience of the Company's officers and servants in this District. They treated me as if I had no authority at all.....Before the resolution of 29th May arrived the mischief was done; even my title had by that time been changed to "Monsieur le

[1] Dominion Archives. Selkirk Papers, 8311, 8235, 8222.
[2] Dominion Archives. M. 722.
[3] Bulger expected to go out as Secretary and Registrar for the Colony. See Dominion Archives. Bulger Corr., M. 152 C.

Capitaine" while that of "Monsieur le Gouverneur" had been transferred to Mr. Clarke."

On Dec. 14, 1822, he forwarded the following recommendations to the Company[1]:

1. To get courts and magistrates nominated by the King.
2. To have a company of troops sent out to support the magistrates and to keep the natives in order.
3. To circulate money.
4. To find a market for surplus grain.
5. To let it be determined whether the Council at York Factory are justified in preventing the settlers from buying moose or deer skins for clothing and provisions."

He concluded his letter—"If these things cannot be done, it is my sincere (it may be my last) advice to you to spend no more of Lord Selkirk's money upon Red River."

Bulger won the esteem of his immediate advisers, who continued to correspond with him after he left the country. Prior to his departure an address from sixty-five of the settlers spoke of his government as "wise and conciliating" and expressed their "gratitude and respect not only for the benefit of your impartial and prudent administration but for the example left us of an able discharge of duty, which we can only hope your successor may be proud to emulate." George Simpson, on the other hand, wrote of him to Andrew Colvile in words that were far from flattering[2],—"The opinion I gave last year from York of Mr. Bulger's administration is fully confirmed. His extravagance was unbounded, and all to gain popularity, and his conduct indecorous and unbecoming in the extreme. While there was a gallon of rum in the Fort he never went to bed sober, and his time, instead of being devoted to the public good was occupied with his petty quarrels. His clerks were his principal councillors and pot companions.....Kemp and Henderson were in fact the Governors and not Bulger."

The chief difficulty that Bulger encountered was in his relations with the Company's principal representative who was exceedingly jealous of interference in what he termed the internal affairs of the Company. Bulger himself wrote to Andrew Colvile,—"I was not invested with any power to interfere with the officers of the Hudson's Bay Company.[3]

[1] A memorandum covering most of these points was received by Governor Bulger from A. Macdonell, Nov. 29, 1822. See Dominion Archives Bulger Corr. II, M. 150, pp. 398-399.
[2] Dominion Archives. Selkirk Papers, XXVI, 8227.
[3] Dominion Archives, M. 722, Letter dated Fort Douglas, Dec. 7, 1822.

The Governor, Deputy Governor and Committee of the Company, however, in a letter to George Simpson, May 21, 1823[1] vindicated the position taken by Bulger and stated clearly the jurisdiction of the Colony Governor.

The Bulger Correspondence in the Dominion Archives enables us to follow his fortunes in considerable detail. He died in Montreal, March, 1858.

William Kempt.—William Kempt came out from Scotland as a surveyor for the Red River Settlement at a salary of 100 pounds per annum. He took up the work of surveying where Peter Fidler had left it. In 1822 he laid out lots on the Image Plain, and in February, 1823, drew up a plan of a village on the Assiniboine River. Governer Bulger wrote of him—"He is surpassed by no man that I have ever known in zeal and industry in the performance of his professional duties." When Governor Bulger left the colony on August 6, 1823, Kempt was assigned the nominal charge pending the arrival of Governor Pelly. He was instructed to consult Chief Factor Donald McKenzie privately on all important matters. The conduct of Chief Factor Clarke during the previous winter had aroused the settlers to such a pitch that riots were feared from the view that the Company was undertaking the exclusive management. On Sept. 23, 1823, Kempt held a meeting of the Council of Assiniboia by correspondence. The Selkirk Papers contain Kempt's "Journal from the period of Governor Bulger's departure until the arrival of Governor Pelly, August 6—Sept. 25, 1823."[2] Kempt subsequently resumed his professional activity in Scotland.

Robert Parker Pelly.—Robert Parker Pelly, cousin to Sir John Henry Pelly, Governor of the Company, succeeded Kempt in the administration of the colony. He remained in that position for two years, to June, 1825, during which time at least four meetings of the Council were held.

Pelly in conjunction with George Simpson held a power of Attorney from the Selkirk Executors, dated May 19, 1823. Though George Simpson wrote enthusiastically to Andrew Colvile about Pelly, Mar. 31, 1824,[3] it seems certain that the Governor lacked firmness and decision—"In regard to Governor Pelly he is the fittest man for the situation he holds that

[1] Dominion Archives, Bulger Corr., M. 151, p. 215, seq.
[2] Dominion Archives, Selkirk Papers, XXV, 8062.
[3] Dominion Archives, Selkirk Papers, XXVI, 8261.

ever came to the country. He possesses sufficient nerve, is most exemplary in private life, strict and impartial in the discharge of his public duties and watchful of the interests of his employers."

It was not after this fashion, however, that John Henderson wrote to Captain Bulger on Jan. 20, 1825[1]—"To Mr. Pelly who consulted a Greek dictionary to teach him the duties of his office, who had all the ambition without the policy to be popular, who ruled the people with a rod of iron to awaken their gratitude, who for withholding many necessary and accustomed presents from the Indians, and by banishing themselves from his Fort and the settlement proclaimed himself their father and friend, who when he was himself happy considered the colony wisely governed, who when he was comfortable, indulged the idea that the people were amply provided with food and raiment, who when the widow and orphan asked for bread gave them a stone, who, in short, considered himself the centre of all good, and the touchstone of every virtue, I say, to Mr. Pelly, I am inclined to attribute this melancholy occurrence."[2]

Donald McKenzie.—Donald McKenzie was the brother of Roderick McKenzie of Terrebonne, the cousin and correspondent of Sir Alexander MacKenzie. He had participated in the organization of the Astor Fur Company and had crossed the continent in 1811. After severing his connection with the Astors he became a confidential servant of the N. W. Co. Under the Deed Roll of 1821 he was a Chief Factor in the reorganized H. B. Co. In 1822 he came from the Pacific coast to York Factory, and on May 29 of the same year was appointed Councillor of the Governors of the Company's Territories. On the departure of Governor Bulger he was sent to the Red River by George Simpson to superintend the Company's affairs and to assist William Kempt who had the interim nominal charge. In June, 1825, he became Governor of Assiniboia, a post he held for eight years. The most notable events of his regime were the flood of 1826 and the flight of the Swiss settlers. In this connection Gunn says[3],—"This benevolent gentleman not only made use of the stores under his charge for the relief of the sufferers, but added the influence of his high position and personal char-

[1] Dominion Archives, Bulger Corr., M. 152, p. 62.
[2] An attack of the Indians.
[3] History of Manitoba, p. 246.

acter to induce others to join the good work." On the expiration of his term of Governor he retired to New York State.

GEORGE SIMPSON.—Simpson was a cousin of the explorer Thomas Simpson. In 1820 he had gone to the Athabasca and soon gave evidence of remarkable executive ability. On the union of the rival companies, Wm. Williams was appointed Senior, and George Simpson, Junior Governor of the Company's Territories. Simpson soon assumed practically sole supervision of the Company's affairs, presided at their Councils, and exercised principal direction of the whole interior management. This he continued to do for nearly forty years. His accounts of his travels, his letters to the various officers of the Company, all written in an admirable hand, and his evidence before Parliamentary Committees, constitute an invaluable mine of information for the period which they cover. In 1839 he received a knighthood for his services in connection with the uprisings in the Canadas. He presided over the Council of Assiniboia on the following dates,—May 4, 1832; Feb. 12, 1835; April 30, June 13, 1836; June 16, 1837; June 13, July 4, 1839; June 25, 1841; July 3, 1843; June 19, 1844; June 16, 19, 1845. During the term of office of Governor Pelly he wrote:[1] "I think it is better that I should *not* attend the Council at all, because when present it would be necessary for me to preside, which must in some degree affect the consequence of Mr. Pelly in the eyes of the lower classes. In order to command due respect he must on all occasions *be the great man.*" The results of his forty years of service proved that he was himself a great man. No service to the District of Assiniboia was greater than his reorganisation of the Council in 1835.

ALEXANDER CHRISTIE.—Alexander Christie is mentioned as one of the Chief Factors in the Deed Roll of 1821. Like a great majority of the fur traders he was Scotch. He was appointed Councillor of the Governors of the Company's Territories on May 29, 1822, and Governor of Assiniboia in 1833, an office which he held for two terms, 1833-39, 1844-48. He attended the Council of Assiniboia for the first time on Feb. 12, 1835 and was present at twenty meetings. On the expiration of his first term as Governor he was appointed

[1] Dominion Archives. Selkirk Papers, XXV, 8014.

Councillor of Rupert's Land. It was during his first regime that the company bought back the District of Assiniboia from the Selkirk Estate, reorganised the Council and built the Stone Fort Garry. An interesting letter alluding to free trade, written by Governor Christie, Sept. 5, 1845, is quoted by Begg in his *History of the North West.* (I. 262).

Duncan Finlayson.—Duncan Finlayson had become Chief Factor of the Hudson's Bay Company in 1832. His appointment as Governor of Assiniboia and Councillor of Rupert's Land bears date of March 20, 1839. He presided at a Council on June 8, 1840. His term of Governor extended from June 1839, to June 1844. During his term of office the judicial system of the Colony was reorganized by the appointment of the Recorder, Adam Thom. Governor Finlayson sought to improve agricultural methods. Ross in his *Red River Settlement* p. 121 gives a report made by him of the analysis of flour ground at various mills in the settlement.

Major John Ffolliott Crofton.—Major Crofton attended the Council for the first time on June 15, 1847, and was present at three meetings. He commanded a wing of the 6th Foot, a detachment of Artillery, and a detachment of Royal Engineers sent out from England in 1846. He went out under secret instructions and remained about a year. His mission probably was concerned with the boundary question. He held a seat in the Council from June 1846, to June 1847. He characterised the form of government at Red River as "Patriarchal." He replied to charges made against the H. B. Co., on Feb. 12, 1848.[1]

Major J. Griffiths.—He attended the Council of Assiniboia for the first time on June 28, 1847, and was present at three meetings. He succeeded Colonel Crofton both as Governor of Assiniboia and Commander of the troops. He left the Colony when the troops were withdrawn in 1848.

Major W. B. Caldwell.—On the withdrawal of the troops, Major W. B. Caldwell brought out a corps of 56 enrolled pensioners who were to divide their activities between agriculture and police duty. Caldwell attended the Council of Assiniboia for the first time on Sept. 20, 1848, and was present at 20 meetings. He was Governor of Assiniboia from June 1848, to June 1855. He left the country, to quote his own

[1] Imperial Blue Books, Return to Address of H. of C., Feb. 9, 1849.

words, "Tranquil, peaceable and quiet." The history of his connection with Red River Settlement is given in Nos. 5358-5632 of the Minutes of Evidence taken before the Select Committee on the Hudson's Bay Company, 1857.

EDEN COLVILE.—Eden Colvile attended the Council of Assiniboia for the first time on Sept. 5, 1850, and was present at two meetings over both of which he presided as Governor of Rupert's Land. To him was referred the claim of the Scotch settlers to St. John's Church and burial ground. Ross, in his *Red River Settlement* (pp. 355-357) has preserved letters from him relative to the claims of the Presbyterian community.

FRANCIS GOODSCHALL JOHNSON, Q.C.—He attended the Council of Assiniboia for the first time on July 19, 1855, and was present at six meetings. A member of the Montreal Bar he was appointed in 1854 Recorder of Rupert's Land, Assessor and Legal Adviser to the Governor of Assiniboia and to the company. On July 19, 1855, he was appointed Deputy Governor for the purpose of holding the General Court. His commission as Governor of Assiniboia was read to the Council on Nov. 26, 1855. His term of office extended for 3 years. Mr. Justice Johnson was member of the small Executive Council of three appointed to assist the Lieutenant Governor of Manitoba in the administration of the North West Territories. In 1872 he was interim Lieutenant Governor or Administrator of Manitoba and the North West Territories.

WILLIAM MACTAVISH.—He attended for the first time on Dec. 9, 1858, and was present at fifty-four meetings. He had been appointed Chief Trader in 1847, and Chief Factor four years later. He was appointed Governor of Assiniboia and took the oath on Dec. 9, 1858. He became Acting Governor of Rupert's Land between the death of Sir George Simpson and the appointment of A. G. Dallas. On Mar. 13, 1862, he was appointed a member of the Committee of Three to arrange the local laws of the District of Assiniboia. On the retirement of Governor Dallas he became Governor of Rupert's Land and at the same time continued Governor of Assiniboia. His illness during the critical days of 1869 entirely unfitted him to cope with the troubles which attended the transfer of Rupert's Land to Canada. He died in England in 1870.

ALEXANDER GRANT DALLAS.—After having been for several years a director and special agent of the Hudson's Bay Com-

pany on the Pacific coast he succeeded Sir George Simpson as Governor-in-Chief of Rupert's Land. He held office for four years until William Mactavish was appointed. He attended for the first time as Governor-in-Chief of Rupert's Land on June 4, 1862, and was present at ten meetings. He was extremely unpopular with the older Hudson's Bay Company men.

John Black.—John Black first came from England to Rupert's Land in 1839. He attended the Council of Assiniboia for the first time on May 31, 1849, and was present at fifty meetings. He was appointed President of the Petty Court in the Upper District on May 1, 1851, and again on Nov. 27, 1851. On June 4, 1862, Governor Dallas introduced Mr. Black to the Council as "a former resident in the country who had been appointed to preside over the Courts of Justice and to perform the duties of Recorder, Coroner, etc. . . . . Since his former residence in the settlement Mr. Black had filled high and important Government offices in Australia,[1] where he had gained much knowledge and experience in Colonial matters." During the later days of Assiniboia, during either the absence or illness of Governor Mactavish Mr. Black was Acting Governor and as such presided over the Council of Assiniboia. He represented St. Andrews in the convention of January, 1870. On Feb. 10, 1870, he was chosen as delegate to the Dominion Government in connection with the Red River Settlement.

Donald A. Smith.—As President of the Council of Assiniboia, Smith presented the address to Lieutenant Gover nor Archibald on Sept. 6, 1870, from those who had constituted the Council.

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[1] Minister for Land in the Government of New South Wales.

THE COUNCILLORS.

THE COUNCIL OF ASSINIBOIA.

The Oath.

Each Councillor before taking his seat as member of the Council, took the following oath, repeating the words after the President, and kissing the Holy Bible—

"I hereby swear in the presence of Almighty God, that I will truly serve our Sovereign Lady, the Queen or Her Heirs and Successors, and all, who now do, or hereafter may, lawfully exercise authority under her or them, and that I will faithfully discharge all and every the duties of a *member of the Council* of the District of Assiniboia in Rupert's Land."[1]

Members of the Council.

Miles Macdonell.—See above under "Governors."

Owen Keveny.—He was appointed a member of Miles Macdonell's Council on June 12, 1813. He had been engaged by Selkirk to take charge of the settlers whom he had secured in Ireland.[2] His discipline was rigid, at times brutal. He conducted his company of colonists inland from York Factory to Red River. Wm. Auld, of York Factory wrote of him, Sept. 10, 1813,[3]—"Mr. Keveny arrived at Red River with his whole party safe and sound, in the same high health as when they left Ireland. He is worth as many Arch'd McDonalds as will stand between here and Cape Horn." After spending a winter in Red River he returned to Ireland but came out again to Hudson Bay in 1815. Owing to his tyrannical treatment of his boatmen on their way inland from Albany, a warrant for his arrest was sworn out before A. N. McLeod, a Justice of the Peace for the Indian Territories. He was arrested and sent off for Fort William. He became

[1] This was the form adopted during the Company Period. What form was used during the Selkirk Period is not known.

[2] Dominion Archives. Selkirk Papers II, 560 gives a classification of the men who came out with him and (II. 460) his report to Selkirk on his voyage.

[3] Dominion Archives. Selkirk Papers, 849.

so unruly that he was clapped into irons. He was murdered en route. The circumstances of his death were investigated at Fort William and Montreal.[1] Though a Councillor no record of his actual attendance at any meeting of a council has survived.

LaSerre[2].—He was appointed a member of Miles Macdonell's Council on June 12, 1813. He was a surgeon and successor to Mr. Edwards in that capacity at the settlement. On June 12, 1813, Lord Selkirk wrote,—"Mr. Edwards having written last year that he intended to return home, he is now replaced by Mr. Laserra who appears to be a superior man in every respect and I trust that you will find him an agreeable companion. He is from Guernsey and related to the late General Brock. I am informed from an unquestionable authority that his skill as a physician is much above par. He is also a man of science, well informed on a great variety of subjects and I have no doubt that you may derive valuable aid from him in other business unconnected with his professional duties."[3] In the same letter Selkirk wrote that he was putting him on Macdonell's Council. LaSerre died in 1813 shortly after reaching Red River. His effects were sold in the country but afterwards called in from the purchasers and sent home to his executors.[4] Though a Councillor no record of his actual attendance at any meeting of a council has survived.

Kenneth McRae.—He was appointed a member of Miles Macdonell's Council on June 12, 1813. He seems to have been the educational authority in the settlement in the early days of the Colony. On June 12, 1813, Lord Selkirk wrote to Miles Macdonell,—"The settlers who are now going out have expressed much anxiety about the means of education for their

[1] The Dominion Archives, (M. 778 D. Red River District) has a letter from Lord Selkirk dated Fort William, Oct. 30, 1816, addressed to Sir John C. Sherbrooke which says in part,—"In the course of last month Mr. Owen Keveny, an officer of the Hudson's Bay Company was murdered in cold blood by assassins employed for the purpose by one (or rather I believe by two) of the partners of the North West Company and expressly because he was known to be an enemy to the interests of that concern and a man of whose abilities they were apprehensive. One of the assassins, Sergeant Reinhart, late of the de Meuron Regiment, has been apprehended and has made a full confession." Reinhart's confession that he had assisted in murdering Keveny was made at Fort William before Selkirk, Nov. 3, 1816. It is found in M. 778 D (Red River Disturbances) Dominion Archives. This portfolio also contains Minutes of Executive Council, March 15, 1817, relative to Bill of Indictment found against Charles de Reinhart, Archibald McLellan, Cuthbert Grant, and Joseph Cadot.

[2] Laserre and Laserra are variants.

[3] Dominion Archives, Selkirk Papers, II, 657.

[4] Dominion Archives, Selkirk Papers, II, 1226.

children. There is so much of a laudable spirit in their desire that it must be attended to, and it is in every view, time that a school should be established. K. McRae is well acquainted with the improved methods which have been invented or introduced with such wonderful effect by Jos. Lancaster, and he could in a few weeks organize a school on his plan, if you can pick out from among the settlers a steady young man of a cool temper to be employed as a schoolmaster. Arithmetic with reading and writing in their native tongue are the branches to be first attended to and I care not how little the children are taught of the language of the Yankies."

"If McR. remains at the settlement he can examine the school from time to time to see that it is properly conducted; or at any rate he can give the Schoolmaster the necessary instructions for carrying it on and give you such information as to the method and principles of the system you can be at no loss to judge whether this plan is properly pursued and to check any neglect."[1] McRae and Macdonell did not maintain cordial relations. Macdonell accused him of malice in lodging accusations against the family of a Mr. McLean, and in trying to embroil him with Mr. Auld and other gentlemen of the Company.[2] Though a Councillor no record of actual attendance at any meeting of a Council has survived. His name appears as one of the attornies appointed by Selkirk to receive the grant of Assiniboia.

Archibald McDonald.—He was appointed a member of Miles Macdonell's Council on June 12, 1813. He came from Leechkentium, Glenco Appin. He had studied the rudiments of medicine in Scotland. He was appointed Clerk and Agent by Selkirk in the winter of 1812.[3] On June 12, 1812, Lord Selkirk wrote of him,—"His abilities are very good, his manners popular and I have reason to entertain the highest confidence in his candour and fidelity. I believe you may safely trust to him anything that zeal and assiduity can accomplish.....I have put him as well as Leserra upon your Council."[4] He soon assumed an important share of the management of the Colony's affairs.[5] In the crisis which

[1] Dominion Archives, Selkirk Papers, II, 665.
[2] " " " " IV, 1175, 1215.
[3] The terms of his appointment are given, Dominion Archives, Selkirk Papers, I. 285.
[4] Dominion Archives, Selkirk Papers, II, 657.
[5] A report to Miles Macdonell, May 22, 1814, of his management of the part of the Colony's affairs entrusted to him is given *Ibid.* IV, 1091.

grew out of the hostility of the N. W. Company in 1815 he occupied a prominent position in the Council.[1] James Grant of Fond du Lac wrote to Duncan Cameron, April 15, 1815,—"Archibald McDonald is the acting man for the colony. He is proud of being called the Governor. He appears to muster the appearance of a colony to support his rank. However he and the Halfbreeds must settle that point." The first date of actual attendance at a meeting of a Council, so far as we know, was June 24, 1815. He wrote a 'Narrative respecting the destruction of the Earl of Selkirk's Settlement upon Red River in the year 1815.' (Selkirk Papers, LXI, 16488). Volume LXVIII of the Selkirk Papers also contains Journals kept by him at Churchill Creek and Red River.

It was Archibald McDonald who, in 1833, introduced to the notice of the Company the idea of raising flocks and herds on the Pacific Coast. The site first proposed was on the Sacramento River, California. This was the origin of the Puget's Sound Agricultural Company.[2]

Chiefs of E. and W. Winipic.

See *Jas. Sutherland* and *William Sinclair.*

George Holdsworth.—He had been a surgeon at York Factory, but was then at the wish of the Superintendent prevailed upon to go in that capacity to the Red River. On Sept. 26, 1813, Wm. Auld wrote—"Mr. Holdsworth is a very excellent young man and without exception the ablest and most respectable professional man the Superintendent ever saw in this country." He was appointed to Miles Macdonell's Council in February, 1814. No record has survived of his actual attendance at any meeting of a Council. We have, however, copies of reports made by him to superiors.[3]

John Spencer.—In February 1814, he was appointed to the dual position of member of the Council of Miles Macdonell and Sheriff of the District of Assiniboia. On Nov. 7, 1816, together with Lord Selkirk and four others, he was arrested at Fort William. No record exists of his actual attendance at any meeting of a Council.

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[1] Coltman's Report, p. 168, contains a letter, April 3, 1815, addressed him by Duncan Cameron asking him not to resist the removal of the field pieces. This is found in Dominion Archives, M. 778D.

[2] Dominion Archives, M. 731 D, 2331, 17.

[3] Dominion Archives, Selkirk Ppers, 920, 1469, 1529.

Wm. Sinclair and Wm. Hillier.—On February 4, 1814, Miles Macdonell wrote to William Auld—"Will you please to signify to Messrs. Sinclair and Hillier that it is my intention to name them should it meet with your and their concurrence?"[1]

We have discovered no record to prove that they actually were Councillors of Assiniboia.

James White.—See above under '*Governors.*'

John Pritchard.—He was born in Shropshire, England, in 1777. At an early age he came to Montreal and accepted employment in the X. Y. Company. At the period of the first establishment of the colony he was a clerk in charge of a N. W. post on the Assiniboia River. At the time of the Seven Oaks massacre he had thrown in his lot with the settlers.[2] Much of our information concerning that tragedy is derived from his narrative. On Mar. 23, 1815, he was appointed a Councillor of Assiniboia ad interim. On or about Mar. 19, 1816, with Sheriff Alex. McDonell he forcibly entered the N. W. establishment at Pembina. He acted as Secretary to Lord Selkirk himself. He attended not less than thirty meetings of the Council of Assiniboia, for the first time on Dec. 4, 1822. He was associated with the organization of the disastrous Buffalo Wool Company. He received the following appointments,—Councillor of the Governor of Assiniboia, May 29, 1822; Councillor of the District of Assiniboia, Feb. 27, 1839; member of the Committee of Economy, June 19, 1845; member of the Committee of Finance, Feb. 19, 1847. He reported as Secretary of the Committee of Economy on June 28, 1847. Towards the conclusion of the Selkirk Period he received from the Company a life annuity of 20 pounds for services rendered to the cause of religion and education. He belonged to the Presbyterian Congregation at Frog Plain. He died in 1856 and lies buried in St. John's Church yard, Winnipeg. The present Archbishop Matheson is his grandson.

James Sutherland[3].—Chief Factor James Sutherland was appointed to the Council of Miles Macdonell on May 10, 1815, by Macdonell himself. During that year he was in charge of East Winnipeg. He attended a meeting of the Council of Assiniboia, presided over by James White on June 24, 1815. On the following day Sutherland and White on behalf

[1] Dominion Archives. Selkirk Papers, III, 959.
[2] " " " " IV, 1201.
[3] James Sutherland who acted as Catechist is a different individual.

of the Hudson's Bay Company concluded an agreement with the Halfbreeds. On Aug. 30, 1815, Governor Semple appointed him a member of his Council.

It was through him that Colin Robertson who led back the settlers was enlisted in the service of the Company. In 1814 the Company had despatched him to Canada to engage men and purchase canoes and provisions for the intended expedition to Athabasca. On this occasion he secured the services of Robertson.

On May 8, 1816, when in charge of five H. B. Co. boats at the rapids of the Qu'Appelle he was attacked by a party under Cuthbert Grant and carried prisoner to the N. W. post under Alex. MacDonell.

He was appointed Councillor of the Governors of the Company's Territories on May 29, 1822; Justice of the Peace for the Second District, Feb. 12, 1835, and Councillor of Assiniboia, Mar. 20, 1839.

Thomas Thomas.—Chief Factor Thomas Thomas at the time of the establishment of the Colony was Governor of the Southern Department. He was offered the Governorship of the Northern Department in succession to William Auld. He however, declined the offer. In 1815 he declined a situation of trust in Selkirk's service at Red River. On August 30, 1815, Governor Semple appointed him a Councillor of the District of Assiniboia. He attended for the first time Dec. 4, 1822, and was present at five meetings. He signed the Selkirk Indian Treaty as witness, July 18, 1817. He was again appointed Councillor of the Governor of Assiniboia, May 29, 1822.

Peter Fidler.—Peter Fidler was born in Derby, England, Aug. 16, 1769. At the age of twenty-one he came to Rupert's Land and engaged in the Fur Trade. Coltman's Report (p. 157) speaks of him as a "principal factor of the Hudson's Bay Company." He was entrusted by Robert Semple with the task of conducting one of the bands of colonists from Hudson's Bay to Red River. He was a member of the Council of Assiniboia which on June 24, 1815, assigned reasons for abandoning the Settlement. He belonged also to the Councils of Colin Robertson and Robert Semple. In 1817 Selkirk sent him with a party of DeMeurons and others to capture the Fort at Lac la Pluie. In this he failed.

Fidler won considerable reputation as a surveyor. On July 25, 1814, Miles Macdonell wrote to Selkirk,—"Mr. Fidler has

been with me since the beginning of May laying out lands, etc. We require to have a permanent surveyor that would keep a regular office and Mr. Fidler might answer the purpose. From his experience in the Country, he might be useful in other respects. His Indian family is some objection to him. I know that he would gladly enter into the service of the Colony and offers to build a house in the town for his family. His yearly salary from the company is one hundred pounds. He would accept of the same here. He is far from being a well polished man and is not well liked by the people but I think him a well meaning man. I set off tomorrow for Y. F. Mr. Fidler takes charge of matters here until my return."[1]

He made the survey of the boundaries of the District of Assiniboia, of the lots in Kildonan, etc. His map of the Selkirk settlement was of the highest value, although Governor Bulger in praising his successor, Wm. Kempt, claimed that the surveys of Fidler had spread confusion throughout the land.

Bryce[2] and Martin[3] give synopses of his will made at "Norway House, Winipic River, North America, Aug. 16, 1821." Fidler died in 1822. A number of his descendants still live in Manitoba. His library which was kept intact at Red River has long been dispersed. Vol. 69 of the Selkirk Papers contains his Journals kept at Red River Settlement together with his meteorological journal and astronomical observations.

Colin Robertson.—See above under '*Governors.*'

Robert Semple.—See above under '*Governors.*'

Alex. Macdonell.—See above under '*Governors.*'

Andrew Bulger.—See above under '*Governors.*'

William Hemmings Cook.—In 1812, W. H. Cook was in charge of York Fort.[4] In a letter dated Sept. 14, 1814, he enumerated the conditions under which he was willing to become a settler at Red River.[5] His appointment as Councillor of the Governor of Assiniboia bears the date of May 29, 1822. He attended for the first time, Dec. 4, 1822, and was present at six meetings. He was again appointed Councillor of the District of Assiniboia by the Committee, Feb. 27, 1839. Gunn speaks of him as "an eccentric but kind hearted gentleman."[6]

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[1] Dominion Archives, Selkirk Papers, IV, 1203.
[2] Remarkable History of the Hudson's Bay Company, 283.
[3] Hudson's Bay Company's Land Tenures, 108.
[4] Dominion Archives, Selkirk Papers, I, 278.
[5] Dominion Archives, Selkirk Papers, IV, 1242.
[6] History of Manitoba, 103.

James Bird.—On Aug. 30, 1815, Governor Semple appointed James Bird a member of his Council. In 1817, he was stationed at Carlton House. In the same year on July 18, he signed the Selkirk Indian Treaty as witness. He was a Chief Factor of the Company. He attended the Council of Assiniboia for the first time on Feb. 12, 1835, and was present at twenty-nine meetings. He was appointed Councillor of the Governors of the Company's Territories and of the Governor of Assiniboia on May 29, 1822; Receiver of Import and Export Duties and Justice of the Peace for the first District, Feb. 12, 1835; Magistrate with John Bunn for the lower District, June 16, 1837; Councillor of Assiniboia Mar. 20, 1839. On April 3, 1845, he sent in a report on the difficulties of collecting customs on certain American importations. On June 19, 1845, he tendered his resignation as Collector. His letter of resignation as Councillor owing to "old age and its attendant infirmities" bears date of Feb. 23, 1856. His highest point in the service of the Company was reached when on Semple's death he became Superintendent of the Northern Department.

Captain Frederick Matthey.—In 1816 Captain Matthey engaged 20 members of the Watteville Regiment in the name of Selkirk for the settlement. On Nov. 7, 1816, together with Selkirk and four others he was arrested at Fort William. He signed the Selkirk Indian Treaty as witness July 18, 1817. On June 12, 1818, he was entrusted with the management of all that related to the defence and protection of the State.[1] In 1819 he commanded an armed force which intercepted the N. W. Co. brigade on the Saskatchewan. He was later assigned duties on the continent of Europe in enlisting settlers for the Selkirk Settlement. His appointment as Councillor bears date of May 29, 1822, but no record of actual attendance at any meeting has survived. In a letter to Captain Bulger, dated Aug. 1, 1825, John Pritchard wrote—"Matthey left us last year. He was obliged to cut and run for it. In my opinion he was cruelly treated."[2]

(John West.)—Rev. John West, M.A., was Chaplain to the Hudson's Bay Company. It is not clear that he was a member of the Council of Assiniboia. It is oniy clear that Halkett wrote that he would recommend him to be added to Bulger's Council.

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[1] Dominion Archives, Selkirk Papers, 20453.
[2] Dominion Archives, Bulger Corr., M. 152, p. 72.

He left England May 27, 1820. As chaplain of the Company his instructions were to reside at the Red River Settlement, and, under the encouragement and aid of the Church Missionary Society, to instruct the Indians, etc. He reached the Settlement, Oct. 14, and took up his residence at Fort Douglas. He had a log house three miles below the Fort repaired for a school house. On Sept. 2, 1821, he established an Auxiliary Bible Society for "Prince Rupert's Land and the Red River Settlement." He found the Scotch settlers prejudiced against the English Liturgy and left the Colony, June 10, 1823. He was the author of "The Substance of a Journal during a residence at the Red River Colony, British North America, 1824."

Robert Logan.—On Aug. 19, 1822, Halkett wrote to Governor Bulger of his intention to nominate Robert Logan as a member of his Council. That he actually became a Councillor at that time is not proved. George Simpson made the charge that he was associated with the speculations of Alex. MacDonell when he was in power. He was the first individual in the settlement successfully to operate a windmill for grinding grain. He was appointed Deputy Chairman of the Committee for the management of Public Works on Feb. 12, 1835; Justice of the Peace for the Third District, Feb. 12, 1835; Magistrate with Alex. Ross for the Middle District, June 16, 1837; Councillor of Assiniboia, Mar. 20, 1839. Owing to ill health he resigned as Councillor and Magistrate on June 13, 1839. He was appointed Chairman of the Board of Works, June 19, 1844. He was present at 13 meetings of the Council, —for the first time on May 4, 1832.

William Kempt.—See above under '*Governors.*'

Robert Parker Pelly.—See above under '*Governors.*'

Rev. D. T. Jones.—Although he was a Councillor under Governor Pelly the first actual attendance at a meeting on the part of Rev. Mr. Jones, of which we have a record was on Feb. 12, 1835. He was subsequently present at six meetings. He had come to Red River as a Church Missionary Society missionary in 1823 as successor to the Rev. John West. In 1824 he founded St. Paul's or the Middle Church. In 1825 he was appointed chaplain to the Hudson's Bay Company. He built the stone church known as St. John's or the Upper Church. He returned to England in 1838.

Donald McKenzie.—See above under '*Governors.*'

George Simpson.—See above under '*Governors.*'

Alexander Christie.—See above under '*Governors.*'

Rev. William Cochran.—He attended for the first time on Feb. 12, 1835, as assistant chaplain to the Hudson's Bay Company and was present at thirty six meetings. He was appointed Councillor of Assiniboia on Mar. 20, 1839. He was interested in educational matters and was the first clergyman of his church in Rupert's Land to undertake anything like aggressive missionary work among the Indians. In 1827 he founded St. Andrew's; in 1836 St. Peter's and in 1854 a mission at Portage la Prairie. In 1855 Bishop Anderson appointed him Archdeacon of Assiniboia. He died in 1865. Captain Palliser's '*Exploration in British North America,*' says (March, 1857, p. 60),—"Many young fellows, halfbreeds that were educated by him, bore testimony to his abilities as a missionary clergyman, for all agreed in testifying to the untiring zeal and energy of this estimable clergyman who, I was informed on all sides, was competent not only to teach school and preach fine sermons but to teach his disciples to wield an axe and drive a plough."

John Charles.—Chief Factor John Charles attended for the first time on Feb. 12, 1835, as Councillor of Rupert's Land and was present at two meetings. He was appointed a member of Governor Semple's Council August 30, 1815; a Councillor of the Governors of the Company's Territories on May 29, 1822; Councillor of Rupert's Land, Mar. 20, 1839; and member of the Board of Works June 19, 1844.

Bishop of Juliopolis (later Bishop of the North West).—Rev. Joseph N. Provencher, had arrived at Red River with Rev. S. Dumoulin and some French families from Lower Canada in 1818. He attended for the first time on Feb. 12, 1835, when he sat by invitation. He attended as Bishop of the North West for the first time on July 27, 1848. As Bishop of Juliopolis or of the North West, he was present at 29 meetings. He was sworn in as Councillor of Assiniboia on June 16, 1837. An appointment as Councillor of Assiniboia bears date, Mar. 20, 1839, and as member of the Committee of Economy, June 19, 1845. Monseigneur Provencher died in 1853.

Donald Ross.—He attended once, on Feb. 12, 1835, when as Chief Trader in the Hudson's Bay Company's service, he sat by invitation. He was appointed one of four Sheriffs for Rupert's Land on Mar. 20, 1839. He became Chief Factor

with James Douglas in 1840. He was Governor of Split Lake. A copy of his letter book written at Norway House in 1830 is preserved in the Dominion Archives (M. 865).

Alexander Ross.—He attended for the first time on Feb. 12, 1835, when, as Sheriff of Assiniboia, he sat by invitation. He was present at thirty-three meetings. He came to Red River Settlement from British Columbia in 1825. He was appointed member of the Committee of Public Works and Commander of the Volunteer Corps on Feb. 12, 1835; Councillor of Assiniboia, Mar. 2, 1836; Magistrate with Robert Logan for the Middle District, June 16, 1837; Councillor and Sheriff of Assiniboia, Mar. 20, 1839; Governor of the new gaol with allowance of 100 pounds July 3, 1843; member of the Board of Works, June 19, 1844; member of the Commission of Three to examine parties to written agreements according to English principles of Equity, April 3, 1845. On June 16, 1845, the Council tendered him its thanks for efficiency in discharging his duties as Commander of the Police. He was appointed Collector on June 19, 1845; member of the Committee of Finance, Feb. 19, 1847; member of the Board of Works, June 28, 1847. On July 27, 1848, he moved for the erection of a Public Granary. On Oct. 10, 1848, he resigned the office of Collector and was tendered a Resolution of Thanks. On July 8, 1850, he resigned as Sheriff. On Oct. 16, 1850, he was appointed ex officio President of Court in the Upper District, an office which he resigned on May 1, 1851. On the same date he resigned as Governor of the Gaol. He was an Elder of the Presbyterian Congregation at Frog Plain. He was the author of "A History of the Red River Settlement," "The Fur Hunters of the Far West," "Adventures on the Columbia River." He died in 1856.

John Bunn, M.D.—He attended for the first time Feb. 12, 1835, when, as Sheriff of Assiniboia, he sat by invitation. He was present at 58 meetings. He was a halfbreed. He was appointed member of the Committee for management of Public Works on Feb. 12, 1835; Councillor of Assiniboia, Mar. 2, 1836; Magistrate with James Bird for the Lower District, June 16, 1837; Councillor of Assiniboia, Mar. 20, 1839; member of the Commission of Three to examine parties to written agreements according to English principles of Equity, April 3, 1845; member of the Committee of Economy, June 19, 1845; member of the Committee of Finance, Feb. 19,

1847. On July 30, 1849, he expressed his desire to resign his office as Magistrate of Assiniboia. On Sept. 5, 1850, he moved for a grant of 50 pounds to the Red River Agricultural Association. He was ex officio President of Court in the Lower District on Oct. 16, 1850; was requested with two others to report on the State of the Law on May 1, 1851; was appointed Governor of the Gaol and Chairman of the Board of Works, May 27, 1856. At a meeting of the Council on June 8, 1861, the Bishop of Rupert's Land moved a Resolution relative to Dr. Bunn's sudden and unlooked for death, which was in part as follows,—"They feel how great a loss the Council and Community have sustained in his removal by the hand of God from his many and active duties. They would acknowledge the valuable services which he has rendered for a long period as a member of Council and also as Chairman of the Board of Works, nor would they forget the efficient manner in which he has for a more limited time discharged the duties of Sheriff and those of Recorder and Coroner."

Andrew McDermot.—He was born in Roscommon, Ireland, in 1789, the son of Miles McDermot. He attended for the first time on Feb. 12, 1835, when as settler and merchant he sat by invitation. He was appointed member of the Committee for the management of Public Works on Feb. 12, 1835, and Councillor of Assiniboia on Mar. 20, 1839. He took the oath as Councillor of Assiniboia on Jan. 15, 1847, and was ex officio President of Court in the Lower District on Oct. 16, 1850, an office which he resigned on May 1, 1851. Rev. G. O. Corbett in giving evidence before the Select Committee on the Hudson's Bay Company, Mar. 5, 1857, said,—"I have heard Mr. McDermott, who is, perhaps, the greatest merchant on the banks of the Red River, say again and again that he is quite surprized that the authorities in England do not extend the route via Lake Superior, and open up a grand overland route, and form a great nation from Lake Superior right across the Rocky Mountains; that it could be done, and that he is surprized that towns and cities have not been raised up." He died in 1881.

John Lee Lewis.—He was born in England, the son of John Lewis, in 1791. He attended once on April 30, 1835, as Councillor of Rupert's Land. On Mar. 20, 1839, he received an appointment again as Councillor of Rupert's Land. He had attained the rank of Chief Factor in 1828. He lived in retirement at St. Andrew's to a ripe old age.

Cuthbert Grant.—He attended for the first time on April 30, 1835, and was present at 25 meetings. He was a celebrated chief of the halfbreeds and was in command at the Seven Oaks massacre. He formed a settlement at the White Horse Plain. He was appointed Justice of Peace for the Fourth District on Feb. 12, 1835; Magistrate with Captain George M. Cary for the Upper District, June 16, 1837; Councillor of Assiniboia. Mar. 20, 1839; one of two Sheriffs for Assiniboia, Mar. 20, 1839; ex-officio President of Court in White Horse Plain District, Oct. 16, 1850, and again Nov. 27, 1851; member with four others of the Board of Works for management of Roads and Bridges, Oct. 18, 1853. He was best known as Warden of the Plains.

Rev. John Macallum, M.A.—He attended for the first time on June 13, 1836, and was present at twenty-five meetings. In 1844 ordained by Bishop Mountain of Montreal, he was given charge of the upper parish of St. John's. He was appointed Councillor of Assiniboia on Mar. 2, 1836, and again, Mar. 20, 1839; Coroner of Assiniboia, July 4, 1839; member of the Committee of Economy, June 19, 1845. Red River Academy, later St. John's College, founded by Rev. John West rose to importance under him. He died in 1849.

Captain George Marcus Cary.—He attended for the first time on June 16, 1837, and was present at fourteen meetings. He was a half-pay officer sent out as chief manager to operate an experimental farm. He was sworn in as Councillor of Assiniboia on June 16, 1837; was appointed with Cuthbert Grant as Magistrate for the Upper District, June 16, 1837; Councillor of Assiniboia, Mar. 20, 1839; member of the Board of Works, June 19, 1844; member of the Committee of Economy, June 19, 1845; member of the Committee of Finance, Feb. 19, 1847. He left the settlement in the Spring of 1847.

Duncan Finlayson.—See above under '*Governors.*'

Adam Thom.—Adam Thom was educated at King's College, Aberdeen, and before coming to Canada was engaged as a schoolmaster in the north of Scotland. He practised law at Montreal and became connected with *The Herald* as editorial writer. During the stormy period of the rebellion he directed its editorial policy and acquired a great influence as the leading advocate of the views of the British party in the Montreal district. Thom was suspicious of the Durham mission and

from the beginning severely criticised Lord Durham's policy. His outstanding ability and the wide influence of his paper made Thom a dangerous antagonist and Durham annexed his support. He was accordingly appointed one of the assistant commissioners of inquiry into the municipal institutions of Lower Canada. The report of this commission forms Appendix C. to Lord Durham's Report. Thom returned to Great Britain with Lord Durham and his extensive local information was of the greatest assistance in the final preparation of the Report.

As Councillor of Assiniboia he attended for the first time on June 13, 1839, and was present at twenty-five meetings. He was appointed Councillor and Recorder of Rupert's Land and Councillor of Assiniboia on Mar. 20, 1839; a member of the Commission of Three to examine parties to written agreements according to English principles of Equity, April 3, 1845; member of the Committee of Finance, Feb. 19, 1847; member of the Committee of Economy and Board of Works June 28, 1847. On Oct. 10, 1848, he moved to revive the Beer Law of Feb. 19, 1847. In the spring of 1849 the Canadian and Halfbreed population demanded his immediate removal from the settlement owing to his conduct of the trial of William Thayer for illicitly trafficking in furs with the natives. On May 31, 1849, he consented to address the Court in both French and English. On May 1, 1851, his commission as Recorder and Councillor was revoked and he became Clerk of the Council and of the Court. On the same date he was requested with two others to report on the state of the Law. On Nov. 27, 1851, he read the report of the Law Amendment Committee.

Chief Factor John McLoughlin.—He attended once on June 13, 1839. He had the rank of Chief Factor in the Deed Roll of 1821. On May 29, 1822, he was appointed Councillor of the Governors of the Company's Territories, and on Mar. 30, 1839, Councillor of Rupert's Land. He was Chief Factor at Fort Vancouver. He died there in 1857.

Chief Factor John Rowand.—He attended for the first time on June 13, 1839, and was present at three meetings. He attained the rank of Chief Factor in 1825. An appointment as Councillor of Rupert's Land bears date of Mar. 20, 1839. He was Chief Factor at Fort Edmonton.

Chief Factor James Hargrave.—He attended once on June 13, 1839. For years he was in charge of York Factory.

He became Chief Trader in 1833 and Chief Factor eleven years later.

Chief Factor Nicol Finlayson.—He attended for the first time on June 13, 1839, and was present at two meetings. He became Chief Factor in 1845.

Chief Factor Allan McDonnell.—He attended for the first time on July 4, 1839, and was present at two meetings. His appointment as Councillor of Rupert's Land bears date of Mar. 20, 1839. He had become Chief Factor in 1828.

Chief Factor John Peter Pruden.—He attended for the first time on July 3, 1843, and was present at twenty-one meetings. He became Chief Factor in 1836. He was appointed Councillor of Assiniboia Mar. 20, 1839, and took the oath July 3, 1843. He was appointed member of the Board of Works, June 19, 1844, and became Chairman of the same Board on June 28, 1847.

Chief Factor John Edward Harriott.—He attended for the first time on May 20, 1847. He was appointed one of four Sheriffs for Rupert's Land on Mar. 20, 1839. He became Chief Factor in 1846. On Dec. 7, 1859, he presented his commission as Councillor of Assiniboia.

Chief Factor John Ballenden.—John Ballenden attended the Council of Assiniboia for the first time on Sept. 20, 1848, as Councillor of Rupert's Land and was present at six meetings. He attained the rank of Chief Factor in 1848. In 1850 he was in charge at Fort Garry. Soon afterwards he went to Fort Vancouver.

The Bishop of Rupert's Land.—The Diocese of Rupert's Land was established in 1849. In the same year Rev. David Anderson was consecrated Bishop in the Cathedral at Canterbury. Bishop Anderson was born in London, England, Feb. 19, 1814. He received his education at Exeter College, Oxford. On resigning his bishopric he was appointed Vicar of Clifton, and later Chancellor of St. Paul's Cathedral, London. As Bishop of Rupert's Land he was succeeded in 1864 by Bishop Machray. Bishop Anderson attended the Council of Assiniboia for the first time on Oct. 12, 1849, and Bishop Machray took his oath as Councillor Jan. 4, 1866. Between them they were present at 56 meetings. Bishop Machray became Archbishop of Rupert's Land and first Primate of all Canada. He died in 1904.

Rev. John Smithurst.—He attended the Council for the first time on Oct. 12, 1849, and was present at three meetings. He came to Red River in 1839, to succeed Rev. D. T. Jones.

Rev. Louis Laflèche.—He attended for the first time on Sept. 5, 1850, and was present at eleven meetings. In 1856 he was appointed to take the census of the Parish of St. Norbert. Later he became Bishop of Three Rivers. He died July 14, 1898.

The Bishop of St. Boniface.—As Bishop of St. Boniface, Mgr. Provencher attended for the first time on Dec. 9, 1852. The diocese had been known successively as that of the Bishop of Juliopolis *in partibus,* then of the North West, and finally of St. Boniface. Bishop Taché took his seat as Councillor on June 25, 1858. The Bishops of St. Boniface were present at forty-eight meetings. Bishop Taché arrived in the settlement as a novice of the Oblate Order in 1845. Five years later he became Bishop of Arath coadjutor to Bishop Provencher. On the death of the latter in 1853 he became Bishop of St. Boniface. He was absent in Rome when the troubles associated with the transfer of Rupert's Land to the Dominion of Canada broke out at Red River. He was intimately associated with the late history of Assiniboia and the earlier history of Manitoba. He died in 1894.

Dr. William Cowan.—He attended for the first time on Mar 29, 1853, and was present at thirty-four meetings. He was appointed President of the Petty Court in the Upper District on July 13, 1852; was sworn in as Councillor of Assiniboia, Mar. 29, 1853; was appointed Auditor of Public Accounts, Mar. 29, 1853; member with four others of the Board of Works for the management of roads and bridges, Oct. 18, 1853; Chairman of the Board of Works Feb. 28, 1855. He resigned as Chairman of the Board of Works Feb. 27, 1856. He was appointed Auditor of Public Accounts on Aug. 17, 1863, and member of the Committee to mark out the public roads of the settlement, Dec. 19, 1863. He served for some time as Convener of the Roads and Ferry Committee. As Hudson's Bay Company officer in charge of Ft. Garry in Oct. 1869, he endeavoured without success, to induce Louis Riel and party to forego their opposition to the surveying operations of Col. Dennis.

François Bruneau.—He attended for the first time on Mar. 29, 1853, and was present at forty-one meetings. On July 3, 1843, he petitioned for a distillery and a reduction in the number of the police. He was appointed Magistrate with four others in the Upper District on Oct. 16, 1850, and Petty Judge on Nov. 27, 1851. On Mar. 29, 1853, he was sworn in

as Councillor of Assiniboia. He was appointed with four others member of the Board of Works for the management of roads and bridges on Oct. 18, 1853; President of the Petty Court of the White Horse Plain District at £12 annually, Aug. 3, 1854; Collector of 4 per cent import duties on goods imported from United States into Parishes of St. Boniface and St. F. Xavier, July 19, 1855; census taker for St. Boniface in 1856. On Sept. 4, 1860, he resigned as President of the White Horse Plain District local court and also as a member of the Middle District local court, but at request of the Governor and Council he withdrew his resignation as President of the local court of the White Horse Plain District. On the same date his salary as member of the Middle District local court was fixed at £10. He was appointed one of the Committee of Three to arrange the local laws of the District of Assiniboia on Mar. 13, 1862; Superintendent of Public Works for the Upper Section with salary of £25 and President Petty Judge of the First Section, April 11, 1862; road superintendent of the Upper Section, April 9, 1863, and member of the Committee to mark out the public roads of the settlement, Dec. 19, 1863. Mr. Bruneau was a halfbreed. He had been a member of the Committee organized by Louis Riel, Sr. to secure the acquittal of Sayer and liberty to trade. When he died of fever in the summer of 1865 Judge Black, Acting Governor, spoke of him before the Council in the following terms,—"As a Councillor he was a true and faithful representative of that large section of the settlement with which he was more immediately connected; and, as a Magistrate his efficiency and usefulness were well known to all. To the discharge of his magisterial duties he brought an upright and conscientious mind, and a judgment far beyond the average for penetration and soundness. In his public conduct he knew no distinction of class or creed; by all alike his impartiality was confided in; and Mr. Bruneau was so constituted that it was only part of his nature to blend mercy with judgment."

William Ross.—He attended for the first time on Nov. 29, 1853, and was present at seven meetings. He was appointed magistrate with four others for the Upper District on Oct. 16, 1850; assistant sheriff with Cuthbert Grant, May 1, 1851; Governor of the gaol, June 1, 1851; Petty Judge of the Upper District Nov. 27, 1851. He was sworn in as Councillor of Assiniboia, Mar. 29, 1853. He was appointed Auditor of Public Accounts on Mar. 29, 1853; member with four others

of the Board of Works for the management of roads and bridges, Oct. 18, 1853; Postmaster at £5, later at £6, Feb. 28, 1855; and President of the Board of Works on Feb. 27, 1856. He belonged to the Presbyterian Congregation at Frog Plain. He died in 1856.

Robert McBeath.—He attended for the first time on Mar. 29, 1853, and was present at sixty meetings. He was sworn in as Councillor of Assiniboia on Mar. 29, 1853, being the first of the Selkirk colonists to attain that dignity, was appointed with four others member of a Committee to regulate the importation of spirituous liquors, Mar. 10, 1859; and member of the Committee to mark out the public roads of the settlement, Dec. 19, 1863. He belonged to the Presbyterian Congregation at Frog Plain.

Thomas Sinclair.—He attended for the first time on Mar. 29, 1853, and was present at forty-five meetings. He was sworn in as Councillor of Assiniboia on Mar. 29, 1853. He was appointed with four others a member of the Board of Works for the management of roads and bridges on Oct. 18, 1853; census taker with Mr. Gunn for the Parish of St. Andrews in 1856; President of the Lower District Petty Court in place of Thomas Thomas, deceased, Mar. 10, 1859; member of the Committee of Three to collect and arrange the local laws of Assiniboia, Mar. 13, 1862; Superintendent of Public Works in the Lower Section, April 11, 1862; President Petty Judge of the Second Section with salary of £8 April 11, 1862; Road Superintendent of Lower Section, with salary of £25, April 9, 1863; Auditor of Public Accounts, Aug. 17, 1863; and member of Committee to mark out the public roads of the settlement, Dec. 19, 1863. It was in his house in the parish of St. Andrews that a meeting of settlers was held in October, 1869, and the question of allowing Lieutenant Governor McDougall to enter the country was discussed. He died in March, 1870.

Thomas Thomas.—He attended for the first time on Mar. 29, 1853, and was present at seven meetings. He was the son of Chief Factor Thomas Thomas. He was educated in England. He studied but did not graduate in medicine. He was ex officio President of Court in the Lower District on Oct. 16, 1850, and again, Nov. 27, 1851; was sworn in as Councillor of Assiniboia Mar. 29, 1853; was appointed Auditor of Public Accounts, Mar. 29, 1853. He died in 1859.

Francis Goodschall Johnson, Q.C.—See above under '*Governors.*'

Major Seaton.—He attended for the first time on June 25, 1857, and was present at two meetings.

John Inkster.—He attended for the first time on June 25, 1857, and was present at fifty-four meetings. He was appointed magistrate with two others in the Lower District on Oct. 16, 1850; Petty Judge of Lower District, Nov. 27, 1851; a member with four others of a Committee to draft a system of laws to regulate the importation of spirituous liquors, Mar. 10, 1859; Petty Judge of Second Section with salary of £5, April 11, 1862; Auditor of Public Accounts, Aug. 17, 1863; member of Committee to mark out the public roads of the settlement, Dec. 19, 1863. He resigned as magistrate of the Lower Petty Court on Oct. 19, 1868.

Henry Fisher.—He attended for the first time on June 25, 1857, and was present at forty meetings. He was appointed member of the Board of Works on June 23, 1858. On August 3, 1865, he succeeded Mr. F. Bruneau as road and ferry superintendent with salary of £25.

Pascal Breland.—He attended for the first time on Sept. 19, 1857, and was present at twenty-two meetings. A halfbreed, he was member of the Committee formed in 1849 by Louis Riel, Sr., to secure free trade in furs. He was appointed magistrate of the White Horse Plain District on Oct. 16, 1850; Petty Judge of the same, Nov. 27, 1851; census taker of the Parish of St. F. Xavier, in 1856; member of the Board of Works, May 27, 1856. He was admitted Councillor of Assiniboia on Sept. 19, 1857. He was appointed Petty Magistrate for the local court of White Horse Plain District, Nov. 5, 1861, and President of the White Horse Plain Petty Court at a salary of £8, Aug. 3, 1863. He later became a member of the Legislative Assembly of Manitoba and of both the smaller and larger Councils of the North West Territories. He was afterwards merchant at Cypress Hills.

Salomon Hamlin.—He was a Roman Catholic halfbreed, born at Red River in 1810. Other variations of his name are, Hemlin, Emlin, Amlin and Hamelin. He attended for the first time on Sept. 19, 1857, and was present at thirty-two meetings. He was admitted Councillor of Assiniboia on Sept. 19, 1857. He was appointed with four others a member of the Committee to draft a system of laws to regulate the importation of spirituous liquors on Mar. 10, 1859; one of the Magistrates of the Middle District, 1861; and Petty Judge of the

Third Section with salary of £5 on April 11, 1862. He later became a member of the Legislative Council of Manitoba.

Maximilien Genton.—A Roman Catholic, he was born in Canada in 1790. He attended for the first time on Sept. 19, 1857, and was present at forty-one meetings. On July 3, 1843, he petitioned for a distillery and a reduction in the number of police. He was appointed magistrate with four others in the Upper District on Oct. 16, 1850, and Petty Judge Nov. 27, 1851. He was admitted as member of the Council of Assiniboia on Sept. 19, 1857. He resigned from the Middle District Local Court on Sept. 4, 1860.

William Mactavish.—See above under '*Governors.*'

John Dease.—He attended for the first time on Mar. 5, 1861, and was present at four meetings.

Alexander Grant Dallas.—See above under '*Governors.*'

Chief Factor James R. Clare.—He attended for the first time on Jan. 4, 1866, and was present at five meetings. He had become Chief Factor in 1862 and was for some time in charge of York Factory. He succeeded Governor Mactavish in the charge of the Company's District of Red River, in 1864. He was appointed Auditor of Public Accounts on Feb. 22, 1866. He died a year later.

Roger Goulet.—He attended for the first time on Jan. 4, 1866, and was present at ten meetings. He was a halfbreed. On May 27, 1856, he was appointed surveyor for that part of the settlement situated to the south of the Red and Assiniboine Rivers. He was appointed Collector of Customs Duties at Upper Fort Garry on April 9, 1861, and took his oath as Councillor of Assiniboia on Jan. 4, 1866. He was chosen Collector of Customs in the Provisional Government of Feb., 1870. He was later appointed a Commissioner to settle the claims of the halfbreeds in the rising of 1885. He died Mar. 25, 1902.

Andrew Graham Ballenden Bannatyne.—He was born in the Orkney Islands in 1829. His ancestors had been Governors of Districts in the service of the Hudson's Bay Company. He himself came to the country in 1846. He served at Norway House under Andrew McDermot whose daughter he married. In 1851 he went into business for himself. He was appointed Petty Magistrate of the Middle District on Nov. 5, 1861; Petty Judge of the Third Section with salary of £5 April 11, 1862; Postmaster, Nov. 25, 1862; President of the Petty Court, Middle District with salary of £16, Aug. 3, 1865.

He attended for the first time as Councillor of Assiniboia, Jan. 23, 1868, and was present at twelve meetings. He was nominated Postmaster General in the second Provisional Government of Feb. 9, 1870. He was postmaster of Fort Garry and Inspector of Post Offices for Manitoba till 1874. He was a member of the North West Council. In 1875 he was elected to the House of Commons as member for Provencher on the expulsion of Louis Riel, after having unsuccessfully contested Selkirk in 1874. He was Vice Patron of the Selkirk Rifle Association; President of the Selkirk St. Andrew's Society; Chairman of the Board of Management of Manitoba College. He was a brother-in-law to Governor Mactavish. He died May 18, 1889.

J. Curtis Bird, M.D.—He attended for the first time on Jan. 23, 1868, and was present at nine meetings. Governor Mactavish appointed him Coroner for the District of Assiniboia in 1861. He took the oath as Councillor of Assiniboia, Jan. 23, 1868. He was appointed Coroner in the Provisional Government of Feb., 1870, to which he had been elected as member for St. Paul's. He was elected for St. Paul's in the first Provincial Legislature of Manitoba, and became Speaker in Feb. 1873. He died in England in 1876.

James McKay.—He attended for the first time on Jan. 23, 1868, and was present at eight meetings. A native of Red River Settlement he was Sir George Simpson's special voyageur on the old Crow Wing Trail. He was President of the White Horse Plain District Court. He became a member of the North West Council, was President of the Executive Council in the first Provincial Cabinet, Speaker of the first Legislative Council and later Minister of Agriculture in the Province of Manitoba. He assisted in negotiating Indian Treaties Nos. 1, 2, 3, 5, 6. The Earl of Southesk describes him in his *Saskatchewan and the Rocky Mountains* (pp. 8, 9, *et passim*). See Minutes of the North West Council.

Thomas Bunn.—He attended for the first time on Jan. 23, 1868, and was present at five meetings. On Dec. 17, 1868, he succeeded W. R. Smith as Executive officer with a salary of £100. He was a member of the Committee which drew up the Bill of Rights in Jan. 1870. He was appointed Secretary of State in the Provisional Government of Feb. 1870, to which he had been elected as member for St. Clements. He was Clerk of the Court for the first Quarterly Court held in Winnipeg.

WILLIAM FRASER.—The son of James Fraser, a Selkirk colonist, he was born in Manitoba, 1831. He attended for the first time on Jan. 23, 1868, and was present at eleven meetings. On April 9, 1863, he was appointed road superintendent of the Middle Section at a salary of £15. He became a member of the North West Council at Fort Garry. He belonged to the Presbyterian Congregation at Frog Plain.

JOHN SUTHERLAND.—A native of Scotland he was born in 1807. He attended for the first time on Jan. 23, 1868 and was present at twelve meetings. He represented Kildonan as English representative in the Convention of 1869-70. He was chosen Collector of Customs by the Provisional Government of Feb., 1870. He became first Sheriff of Manitoba. On Dec. 13, 1871, he was appointed Senator with Hon. M. A. Girard. He belonged to the Presbyterian Congregation at Frog Plain. He lived at "Bellevue House," Kildonan.

WILLIAM DEASE.—The son of John W. Dease, he was born at Red River in 1826. He attended for the first time on Jan. 23, 1868, and was present at nine meetings. He was appointed Judge of the Petty Court of the Upper District on Dec. 9, 1852; member of the Board of Works, May 27, 1856; one of the Petty Judges of the Upper District, Dec. 9, 1858; Collector of customs duties at Pointe Coupée, April 9, 1861. He took the oath as Councillor of Assiniboia on Jan. 23, 1868. A French halfbreed, he was the chief French lay member of the Council during its last days. As leader of the French loyalists, he was appointed a member of the Committee sent to induce the French who wished to intercept Hon. Mr. McDougall, to disperse. He lived at St. Norbert.

WILLIAM INKSTER.—He attended for the first time on Jan. 23, 1868, and was present at three meetings. He had an appointment as Public Surveyor commencing June 1, 1855, and as census taker in the Parish of St. John's, in 1856. He was a brother of Sheriff Colin Inkster.

MAGNUS BERSTON.—Was a Roman Catholic halfbreed born in the Northwest in 1828. He lived in the Parish of St. Francis Xavier. He attended for the first time on Aug. 6, 1868, and was present at three meetings. He was chosen French representative for St. Paul's for the Convention of 1869-70.

THE WORK OF THE COUNCIL.

The chief achievement of the Council of Assiniboia was to frame legislation and to devise institutions suited to a prairie

colony only temporarily provided with a military garrison, at times threatened by natives, always isolated and always under the patriarchal supervision of a company interested in trade rather than in colonisation or settlement.

To appreciate the work of the Council it is essential to remember the difference in the size of the colony between the Selkirk and the Company periods. During the first years of the colony's existence untoward experiences kept the population practically at a standstill, about two hundred. By 1822 the number of men had become 234, the women 161, the boys and girls, each 443.[1] By 1831 the total had reached 2,417. The growth of the settlement is indicated in the following summary of Census Statistics, based on a study of Census Books in Ottawa and Winnipeg.

[1] Dominion Archives, Selkirk Papers XXIV, 7673.

SUMMARY OF CENSUS STATISTICS.

Year.	Population.											Dwellings.			Live Stock.								Implements.					Acres of Cultivated Land.
	Men.		Women.		Sons.		Daughters.		Servants																			
	Married.	Unmarried.	Married.	Unmarried.	Above 16.	Under 16.	Above 16.	Under 15.	Male.	Female.	Total.	Houses.	Stables.	Barns.	Horses.	Mares.	Oxen.	Bulls.	Cows.	Calves.	Pigs.	Sheep.	Ploughs.	Harrows.	Carts.	Boats.	Canoes.	
1831..	398	113	401	82	128	622	81	602	....	....	2417	375	265	134	241	169	887	71	1194	801	2362	....	187	243	302	15	289	2152
1832..	448	108	452	91	120	753	74	705	....	....	2751	445	385	188	279	198	1141	81	1538	878	2483	....	212	284	372	17	332	2631
1833..	482	94	480	74	147	838	116	751	....	....	2982	456	391	170	268	224	1219	83	1673	817	2033	....	238	314	486	13	273	3237½
1834..	557	132	567	89	143	922	108	842	....	....	3360	567	469	211	334	296	1592	116	2084	1211	2053	....	275	353	608	12	349	3230½
1835..	595	80	595	66	176	1085	123	959	....	....	3679	574	516	227	443	323	1398	79	1664	1727	1995	....	311	400	709	11	316	3405
1838..	630	53	630	52	165	1177	155	1021	43	46	3972	641	630	230	599	534	1592	115	1683	1950	1698	457	382	476	1199	17	373	3862½
1840..	654	44	654	39	192	1240	178	1072	....	....	4369	627	632	254	656	627	1697	121	1851	2037	2092	1897	398	461	1371	368	26	3955
1843..	780	44	780	47	403	1384	452	1253	....	....	5143	730	924	295	821	749	2307	107	2207	1580	1976	3569	429	536	1677	28	410	5003
1846..	691	86	691	79	348	1144	325	1095	....	....	4459	674	1045	337	1218	1098	2240	107	2422	1125	3738	4188	438	541	1436	373	15	5199½

During the Selkirk period the life of the community depended more entirely than later, upon the Governor in charge. He stood as agent for Selkirk, as depositary of the jurisdiction of the Company. He received his appointment from the former, his commission from the latter. He was expected to encourage the practice of military evolutions, including firing at a target, and to maintain if not the forms, at least the force, of military service. Every precaution was taken that no accident should leave the colony without some one in charge. Selkirk even left to Miles Macdonell's discretion the appointment of his second in command. The appointments of both Governor and Councillor were in general made directly by Lord Selkirk. In the case of Councillors, exceptions were some times made. Miles Macdonell on more than one occasion appointed his own. On Sept. 5, 1815, Semple made appointments in his own name but reported at once to Selkirk—"You will do me the justice to believe that I have acted thus only from a conviction of it being necessary."[1]

On the arrival of the first band of colonists the need of some form of judicature was at once felt. Miles Macdonell wrote with urgent insistance, for some coercive force, a Royal Commission which would enable him to establish martial law, or a company of 50 men. Selkirk rejected the proposition of military government. The Canada Act (43 Geo. III.) which gave the courts of the Canadas criminal jurisdiction over the Indian Territories, was held not to be applicable. Recourse was had to the Hudson's Bay Company's Charter. The Deed of the District of Assiniboia to Selkirk had reserved to the Company "all rights of jurisdiction." For this reason a commission from the Company was given to the Governor appointed by Selkirk. The Governor of Assiniboia could thus claim the rights of jurisdiction with the Company's Charter gave to the Company's Governors. "The Governor and his Council," said that charter, "of the several and respective places where the said Company shall have Plantations, Forts, Factories, Colonies, or Places of Trade within any of the Countries, Lands or Territories hereby granted, may have Power to judge all Persons belonging to the said Governor and Company, or that shall live under them, in all Causes, whether Civil or Criminal, according to the Laws of this Kingdom, and to execute Justice accordingly." The Governor could act as

[1] Dominion Archives, Selkirk Papers, 18568.

Judge. But to do this correctly, he must act *with his Council,* and deal with offences according to the law of England.[1]

The first Council of Assiniboia was appointed to safeguard the judicial functions of the Governors. It was not so much a Council of Assiniboia, as the Council of the Governor *in* Assiniboia, not so much a legislative or administrative body as a judicial tribunal. The Governor even modelled the commissions of the Councillors after the form of his own Commission.

In judicial proceedings it was regarded as sufficient to have one Councillor attend with the Governor, though it was thought better to have more present in more important cases. The appointment of constables was required to be made *in Council.* But the Council was simply to insure the proper legal environment for the Governor. As Miles Macdonell wrote to William Auld, "A Council is indispensably necessary to fill up the letter of the law." He might summon it or any member of it at his discretion to consult with him upon matters not judicial. He was, however, in no way bound to act upon the judgment of his Councillors. They had simply the right to register their dissent in the minutes of the Council. Selkirk himself seems to have formed a high estimate of the importance of a Council. "The advantages," he wrote to Macdonell, "of discussion and comparison of different opinions are so great that, on general principles, I wish that all important questions should be considered in Council. In this case, however, as in Councils of War, the persons who are called in are to be considered merely as advisers, and after hearing their opinions it rests with you alone to decide."

The primary function of a Councillor, was not to advise, nor to assist in the management or government of the colony. It was to act as an assessor in judicial matters. This is the view embodied in the resolutions passed at the General Court of the Hudson's Bay Company, May 19, 1815, "for the more effectual administration of justice." The Governor of Assiniboia with any two members of his Council might "form a council for the administration of justice and the exercise of the power vested in them by charter."[2] For this reason we have not placed McLean's name among the Councillors. Macdonell reported,—"I found that Mr. McLean had been very

[1] The Governor was exhorted to adhere as closely as possible to the essential principles of the law of England and in critical cases to refer the verdict and sentence to the Home Government.

[2] This was to be suspended when the Governor in Chief of the Company's Territories was present.

careful of his charge during my absence and had conducted matters to my entire satisfaction in forwarding the business entrusted to him."[1] To share in the management of the colony is not sufficient. To be a Councillor one must be appointed to share in the administration of justice.

In the suggestions which Selkirk made regarding judicial arrangements in 1818, he outlined a scheme to reduce the number of jurymen and to select the jury without suspicion of partiality. He urges the encouragement of arbitration. Where this fails the procedure is practically that recommended in the the case of the Council. " Four or five of the principal persons belonging to the settlement should meet in the manner of Justices of Peace." These " four or five of the principal persons " mentioned by Selkirk correspond roughly to the Council. In our search for Councillors during the rule of Alexander McDonell, we have been unable to find any to whom we can with certainty assign the rank of Councillors at this time. If it were the case that at the time no one held a commission as Councillor to the Governor of Assiniboia we should have an explanation of Selkirk's remark that such a tribunal as this would have no legal authority to enforce its decisions, and could only hold over the guilty the threat that he would be sent to Coventry.

The Selkirk Papers contain exhaustive memoranda for the guidance of the Governor or Agent. None have been drawn up for the guidance of Councillors. There was need, for with the Governorship of Andrew Bulger the Council assumed larger functions. The resolutions of the General Court, May 29, 1822, gave the Governor power to enroll and arm inhabitants of military age and to take necessary measures for the proper regulation and discipline of this force. Andrew Colvile's letter to Bulger, May 31, 1822, made this power contingent on the sanction of the Council. " You may with the sanction of the Council, call out any number of the population that you may think necessary." This was a larger power than the Council had hitherto enjoyed. The Minutes of Councils further indicate the growing custom to consult the Council on extra-judicial matters, *e.g.*, the sending of an express to London, the departure of Swiss settlers, the relations between the Governor and the principal representative in the District of the Hudson's Bay Company. On July 8, 1823, the Council conducted a judicial examination even without the Governor.

[1] Dominion Archives, Selkirk Papers, LXIII, 17077.

A suggestion was made by George Simpson on Sept. 8, 1823, that, along with the other principal inhabitants of the settlement, the Councillors should be enrolled as special constables.

Mr. Kempt obtained from his Councillors their opinions in writing as to the advisability of disposing of cows brought to the settlement. George Simpson was inclined to criticise, not only the personnel of the Council, but also the nature of the sessions. It is a savage indictment he brings against Pelly's Councillors: McDonell is "disaffected," Thomas "timid," Cook "drunken," Pritchard "frothy," Matthey "designing," and Logan "associated with McDonell's speculations." Mr. Jones alone is spoken of as well disposed, and he lacks experience. He would have regular and stately sessions at Fort Douglas. "The more form that is observed the greater weight it will have." He will absent himself lest he should dwarf the importance of Governor Pelly. His letter of Sept. 8, 1823, shows that he detected the real weakness of the Council. He foreshadows the reorganization that came a dozen years later,—the bestowal of a more representative character. "I think it would be well to add the Chief Factor of the District for the time being and the Catholic Bishop to the list of Councillors."

From the time of Bulger and Pelly two distinct tendencies can be detected. The Council began to assume administrative and legislative functions. It began also to divest itself of judicial functions. In the former it was entirely successful; in the latter, only partly so. The net result was to leave the Council not less a judicial tribunal than an executive and legislative body.

The Minutes of the Council of May 4, 1832, show the Council launched upon a career of legislative activitv. It adopts regulations concerning pigs and stallions allowed to range at large, fires, statute labour for the improvement of roads and bridges, public fairs and the taking of horses from their grazing grounds.

With the passing of the District back to the Company, though there was no gift of the privilege of self-government, yet a larger interest in the affairs of the settlement was reflected not only in George Simpson's declaration at the first meeting of the reorganized Council on Feb. 12, 1835, that the time had now come to put the administration of justice on a more firm and regular footing, but also in the more representative membership of the Council itself. Besides Governor Simpson in that Council, were one Bishop, two other clergymen, one doctor, one

sheriff, one merchant and eight others heavily interested in the fur trade.

In forming a just conception of the work of the Council during the period 1835-69 the Minutes of Council constitute by far the most important source. But it is essential to secure the proper background, social and economic. And for this the evidence of highest value comes from three chief sources, the collection of 111 documents in the Provincial Library, Winnipeg, the General Quarterly Court Records and the files of the *Nor'Wester*.

The fugitive documents afford many a glimpse at current prices, existing wages, the cost of such articles as stationery, sealing wax, grease, cotton wick, vinegar, pemmican, sugar, wine, lime juice, gun-powder, ball, buffalo robes, etc. Numerous details are given regarding the equipment of gaols, constables' fees, import duties, the work done by the Board of Works and the Committee of Economy, the construction of roads and bridges, the cost of marriage licenses, freightage, beer licenses, public library matters and procedure in public business. We are able at times to ascertain the amount of public funds on hand[1] and it is possible from a comparison of various documents to draw up a statement of money to the credit of the District of Assiniboia at Hudson's Bay House for a period of years,—

Date.	Number of Winnipeg Documents.	Amount.		
		£	s.	d.
June 1, 1842	2	476	4	10
" 1, 1843	2	490	10	7
" 1 1844	3	431	8	7
" 6, 1845	4	442	4	2
" 5, 1846	7	164	11	11
" 1, 1847	65	130	3	8
" 1, 1848	65	134	1	9
May 31, 1849	66	138	15	8
June 7, 1850	69	143	12	10
" 1, 1851	78	148	13	5
" 4, 1852	78	153	2	7
" 1, 1854	79	162	9	-
" 9, 1855	79	167	6	5
" 13, 1856	80	172	6	10
" 12, 1857	82	179	4	8
" 11, 1858	83	186	8	1

[1] For example { June 1 1847—June 1, 1848—£450, 15, 5½. " 1848 " 1849 £221, 19, 4.

The records of the General Quarterly Court reveal the social habits of the people and indicate the names of those upon whom the responsibility for law and order in the community most heavily fell. The relations with domestic help, the occasional boisterous times at weddings, the crying out of lost oxen at the church doors, regulations of the buffalo hunt, drinking habits, all stand discovered in the records of the court. The cases tried cover every species of offence,—adultery, libel, theft, escape from custody, assault, murder, leaving hole in the ice, supplying Indians and halfbreeds with beer and whisky, deserting employer's service, worrying of lambs by dog, attempted rape, trespassing, cutting down and carrying off wood, setting fire to the plains, seduction, breach of promise, violation of trade, restrictions in furs, defamatory conspiracy, perjury, appeals from Petty Courts, concealing birth of child, breach of contract, opening packages en route from York Factory, selling spirits on Sunday, breach of revenue laws, attempting abortion.

There were during the years covered by the records of the General Quarterly Court only 25 members. They were leading members of the community and, with two or three exceptions, Councillors of Assiniboia. We give herewith their names, and the number of sessions they attended,—

Alexander Christie	17
Adam Thom	22
James Bird	9
Alexander Ross	26
George M. Cary	11
John Bunn	56
Cuthbert Grant	32
Major Caldwell	23
Andrew McDermot	5
J. P. Pruden	3
Eden Colvile	6
John Black	12
William Ross	14
Dr. Cowan	11
Thomas Thomas	15
François Bruneau	35
Robert McBeath	38
Thomas Sinclair	29
F. G. Johnson	8
John Inkster	1
William MacTavish	16
Pascal Breland	4
Henry McKenny	3
Roger Goulet	4
James R. Clare	1

The *Nor'Wester,* the pioneer newspaper of Red River, founded by William Buckingham and William Coldwell made its first appearance on Dec. 28, 1859. It consisted of 4 pages of 5 columns. The lengthy prospectus published in the first

number took for its text the country watered by the Red, Assiniboine and Saskatchewan Rivers. The declared aim of the *Nor'Wester* was to stimulate the industrial life of the settlement and to assist in the work of governmental organization. It is a curious commentary on the state of the country in the late fifties, that most of the advertisements of the first number of the *Nor'Wester* came from St. Paul. This paper constitutes a mine of information for the closing decade of the history of the Council of Assiniboia. It reports the proceedings of the courts, gives agricultural and commercial intelligence, publishes the regulations of the Red River Post Office, gives in full Bishop Anderson's charge to the clergy of Rupert's Land and editorials on the progress of the settlement.

What especially characterized the *Nor'Wester* was the consistency with which it protested against the Council of Assiniboia as a form of government. We quote an extract of an editorial of April 28, 1860, entitled "The Political Condition of this Country:"[1]

"The people of this settlement have expressed their feelings twice on the subject of their political condition,—first, in the spring of 1857, when they petitioned the British and Canadian Parliaments for annexation to Canada; then during the winter of 1858-9 when another petition was adopted for a Crown Colony. Though differing in their objects, these petitions agree in setting down the present system as unsatisfactory. We are far from saying that they imply hostility to the Hudson's Bay Company in the offensive sense in which thoughtless zealots use that expression. There may be some who cherish pique against the Company because that body, in carrying out their rules strictly, thwarted the fur trading schemes of these malcontents; but they must be few in number, especially as the Company have for many years past ceased to offer active opposition to anybody desirous of dealing in furs. There may be also a few opposed to the Company on principle—feeling that a monopoly of such pretensions is incompatible with the development and advancement of the country. But these apart, we are bound to say that the feeling in this settlement is favourable to the Company regarded merely as a commercial body. The dissatisfaction implied in the petitions above mentioned applies to them in their capacity *as a Government.* They are

[1] See also copy of Instructions to the Delegates from the Red River Settlement, 1847. Return to an Address of the House of Commons, February 9, 1849, p. 48.

professedly a "money-making corporation" and so long as their operations are confined to amassing wealth, and they use lawful means in doing so, well and good; but it is too much to expect that they should be a genuine money-making company and an unbiassed and impartial government at the same time. The two things are inconsistent. While, therefore, we repudiate senseless hostility to the Hudson's Bay Company, we must also frankly say that their government is not adapted to the changed aspect of things. We say this from a loftier standpoint than that of the peddling partisan,—we say it because the welfare of this Colony demands it."

"There is a feeling of dissatisfaction in this Settlement with our local legislature. It is directed not so much against the Councillors for not doing their duty, as against the constitution of the Council, which is so framed as to fetter free action on the part of the members. Our tariff is absurd and antiquated, and the method of collecting the customs duties equally unsatisfactory. There is also a want of proper control over the public funds. In regard to matters such as these, the Council is passive and helpless,—it looks on and cannot or will not interfere. The people have no means of redress, as the Councillors receive their commissions direct from the Hudson's Bay House, London, and do not depend on the suffrages of the taxpayers for their seats. The privilege to petition is the extent of the people's influence in the Council; if their request is granted, well; if not, they have just to acquiesce. The Red River Council ought to be elective, and its discussions ought to be open to the public. The people have a right to claim this much, and we shall certainly support them in doing so. In view of a large immigration, nothing is more called for than a strong and vigorous government,—a government in which the people are heartily interested and which is free from the suspicion of being biassed and self-interested."

We have already seen that the Council, which was at once a judicial tribunal and a legislative body, was not directly responsible to the community whose interests it was expected to regard and foster. It did, however, enact a great variety of measures that sought to promote the public welfare in relation to fires, animals, horse taking, hay, roads, intoxicating of Indians, liquor laws, customs duties, police, debtors, intestate estates, marriage licenses, contracts for service, surveyors, postal facilities, premium on wolves, administration of justice and other matters of general concern. To carry out

its resolutions, the Council organized a Board of Works, a Committee of Economy, a volunteer corps, legal and judicial machinery, a tariff system and postal facilities. It appointed public officials and erected the necessary buildings. It supervised the whole social life of the settlement, imposing duties and restrictions on the sale and importation of liquors, superintending the building of roads, the issue of marriage licenses and the encouragement of native industries.

The public tranquillity of the settlement was so greatly endangered by the sale and traffic of liquor to the Indians that in 1836 the Council resolved to prohibit entirely this trade and to inflict a fine of 20 shillings for every infringement of this regulation. A year later one half of the penalty levied was promised to informants. A graduated system of punishment was adopted in 1840 for any person "other than an ordained clergyman or licensed physician, surgeon or apothecary or the representatives of the Honourable The Hudson's Bay Company" who might be instrumental in giving, selling, lending or bartering beer or any intoxicating liquor to any Indian. Owing to the interested reluctance of the Indians themselves and a "mistaken delicacy" on the part of the settlers, it was found difficult to secure information that would lead to conviction. It was found necessary to proceed to severe measures in 1845. Those who engaged in the trading of liquor were rendered liable to the restitution of the whole equivalent. The Indian was threatened with incarceration "if he was not in liquor, for one calendar month; or if he was in liquor, until he prosecuted the party guilty of furnishing the means of intoxication."

For a short time a military detachment was maintained in the settlement. This was removed, not only against the wishes, but against the earnest remonstrances of the settlers, the Council of Assiniboia and the Hudson's Bay Company. In 1862 the Sioux, who had been guilty of outrages and massacres in Minnesota, threatened the settlement. The settlers were eager to form a local militia for their defence. The Council passed a resolution, which was embodied in a popular petition to the Home Government asking for military protection. The Indians gathered at the village of St. Joseph and large additions to their number came from western tribes. They were armed with the best long range rifles, revolving pistols and double barrelled guns. When Governor Dallas visited them in Dec., 1863, at their principal camp near Sturgeon Creek, he found them in a state of the utmost destitution, in respect of

both food and clothing. He offered a sufficient quantity of provisions to carry them to a safe distance from the settlement, at least as far as the Turtle Mountains. When the Indians refused to proceed beyond White Horse Plain, the provisions were stored with the Company's local agent. The Sioux were constantly warned to keep away from the settlement. In 1866 apprehension was again caused when a band of Red Lake Indians attacked them close to Fort Garry. Retaliation was feared. Acting Governor Black was authorized to raise a body of from fifty to one hundred mounted armed men to meet any emergency. In the following spring a small local force was advocated, not only to protect the settlement from Indian inroads but to punish Indian depredations upon the cattle and other property of the settlers. The Council, however, confined itself to authorising a small addition to the strength of the existing constabulary force. When serious danger again threatened the community, it did not come from the Indians, but was associated with the circumstances of the transfer of the settlement from the Company to the Dominion. And the leading spirit was the son of that Louis Riel, the miller, who in 1849 had voiced the sentiments of the French Canadians against the too arbitrary rule of the Company.

The Board of Public Works.[1]

The first session of the new Council of 1835, provided, not only for a customs tariff, the erection of a court house and gaol, the establishment of a volunteer corps, and the formation of judicial districts, but also for a Board of Public Works; and Governor Simpson had been able to announce that the Fur Trade, pursuant to a resolution of the Council of Rupert's Land, had granted £300 in aid of the work of the new board. A new organization of the board took place in 1853. Its work lay chiefly in the construction of roads and bridges, surveying, the operation of ferries, and other public improvements. After ascertaining the number of bridges or extent of road to be constructed, the Board advertised for tenders by posting notices on all the church doors. Bids were received, and contracts entered into for the delivery of wood on the spot where the bridge was required, at some such price as two shillings and three pence per piece of twenty feet. Fortunately there has been preserved a schedule of the work done by the Board during

[1] The Winnipeg Documents constitute an invaluable source of information for the activity of this Board.

the year 1854. This shows how ably the Board managed the public improvements of the district on very narrow appropriation. The roads and bridges were under the direct supervision of the Surveyor and Superintendent of Works. He took care that the main highways were properly faggotted and of the prescribed width of two chains, and that existing regulations were observed. These sought to prevent obstructions, "stones or timber or unyoked vehicles," from being left on the highway and to compel all who cut holes in the ice of either river or any creek to keep fixed a pole of at least six feet above the surface.

For some time the roads of the district were divided into four sections with proper supervision. In 1867 the following were appointed superintendents of the ten sections that were then created:—

Superintendent.	Salary.	Section.
1. Patrice Breland..	£10	From the Sturgeon Creek upwards on both sides of the Assiniboine and from the Forks upwards on the south side.
2. James McKay	None.	From the Sturgeon Creek (including the bridge) down to the upper end of Ross's bridge, west side of river.
3. John Fraser..	£10	From the upper end of Ross's bridge down to St. Paul's church, west side.
4. Thomas Sinclair	£10	From St. Paul's church, west side, to St. Andrew's church, west side.
5. Donald Gunn	£10	From St. Andrew's church to St. Peter's church, west side.
.. ..	£ 5	From St. Peter's church to St. Andrew's, east side.
6. David Banerman	£ 6	From St. Andrew's church to St. Paul's, east side.
7. William Henderson .	£ 8	From St. Paul's to German Creek, east side.
8. Pierre Gladieux	£ 8	From German Creek to Marion's Ferry, east side.
9. Norbert Larence	£ 5	From the Forks to Point Coupée, west side.

The Committee of Economy.[1]

The Committee of Economy acted as a committee of betterment. It sought to improve the settlers' conditions. In 1847 it brought from England and sold at reduced prices, dyes used by the settlers. It landed at York the model of a fulling mill, and through the Bishop of Juliopolis ordered from Canada the

[1] The Winnipeg Documents constitute an invaluable source of information for the activity of this Committee.

model of a carding machine of simple construction. The Committee offered a premium of £10 to the person who should erect the first efficient mill for the purpose of hulling barley and oats, provided that his toll for the first year met with the Committee's approval. The following premiums offered on May 31, 1847, indicate the nature and extent of the Committee's activities,—

1. A prize of £3 awarded to the producer of the best cloth manufactured in the settlement.
2. A prize of £3 awarded to the producer of cloth most suitable to the climate, in strength and warmth.
3. A prize of £5 to the producer of the greatest quantity spun and woven in the same family.
4. A prize of £2 awarded to the producer of the best specimen of camlet, stuff or tartan.
5. A prize of £3 awarded to the producer of the best quality of flannel.
6. A prize of £2 awarded to the producer of the second quality of flannel.
7. A prize of £2 awarded to the spinner of the finest yarn for woof.
8. A prize of £2 awarded to the spinner of the finest yarn for warp.
9. Prizes of £1 10/; £1; 10/; awarded to the 4th, 5th and 6th qualities of yarn.
10. Prize of £5 awarded to the person that produced the largest quantity of the best quality of cheese.[1]

In the same year owing to the deterioration of the grain in the settlement, the Committee ordered the importation of 100 bushels of Black Sea wheat.

Law and Justice.

Adequate judicial machinery it had not been in the power of the founder of the colony to provide. When Earl Selkirk received his grant, the Hudson's Bay Company made an important reservation in favour of the grantors,—"Saving and reserving nevertheless, to the said Governor and Company and their successors, all rights of jurisdiction whatsoever granted to said Company by their Charter." For this reason the Governors of Assiniboia received their commissions from the Company. For during the Selkirk period the administration of justice devolved upon the Governor and his Council.

[1] See Winnipeg Documents, No. 23. John Gunn was the winner.

On the reorganisation of the administration which took place at the time of the transfer of the district back to the Company, it was found necessary to create new judicial machinery. In 1835 the settlement was divided into four districts,—to extend from Image Plain downward; from the Image Plain to the Forks, including the banks of the Assiniboine below Sturgeon Creek; from the Forks upward on the main river; and the White Horse Plain. For each district was appointed a magistrate or justice of peace to hear cases of petty offence, and debts under 40 shillings. A general court of the Governor and Council was held at the Governor's residence on the last Thursday of every quarter. At this the magistrates attended, and cases of a more serious nature and all appeals were examined. To the position of justices of peace were appointed James Bird, James Sutherland, Robert Logan and Cuthbert Grant, all members of the Council. More than one Councillor also belonged to the volunteer corps. No attempt was made to separate the legislative, executive and judicial offices.

In 1837 the Council endeavoured to grapple with the Indian problem. On Feb. 2, it decided to accept Indian evidence as valid and to assign one half the fine for selling beer to the Indians to the person who gave the information. In this same year the judicial districts were readjusted. The settlement was divided into three districts, each with two magistrates, the lower from the Frog Plain downwards; the middle from the Frog Plain upwards on the main, and as far as Sturgeon Creek on the Assiniboine River; and the upper, upwards from Sturgeon Creek on the Assiniboine River. These magistrates decided all cases of petty offence and of debts not exceeding £5. All other cases were decided at Fort Garry by a general court consisting of the Governor or the Company's principal representative in the district, together with not less than four magistrates. Two years later the London Governor and Committee of the Company revised the constitutions of Rupert's Land and Assiniboia, now in operation since May, 1822-23. Rupert's Land now had four, Assiniboia two sheriffs, and Adam Thom became first Recorder, or active head of legal affairs.

On July 4, 1839, it was decided to appoint in each of the three sections of the district, three magistrates, one of whom at least was to reside within the section, and one other at least without it, who should hold quarterly courts of summary juris-

diction on three successive Mondays in the three sections. These courts pronounced final judgment in all civil cases where the debt or damages claimed did not exceed five pounds, and in all trespasses and misdemeanors which by the rules and regulations of Assiniboia, not being repugnant to the law of England, might be punished by a fine not exceeding five pounds. These courts might refer any case of doubt or difficulty to the supreme tribunal of the colony, the court of the Governor and Council of Assiniboia, at its next ensuing quarterly session. Every defendant, in case of non-appearance, after being duly summoned, was to have judgment pronounced against him by default, the sitting magistrate having the right to suspend the execution of the judgment for a period not exceeding four months. Witness fees were fixed at 2s. 6d; jury fees at 1s. Fines were assigned to informers, to the payment of the expenses of stationery, fuel, etc., and to the maintenance of court houses and gaols. In all contested civil cases before the Supreme Court involving claims of more than ten pounds and in all criminal cases, the facts in dispute were determined by the verdict of a jury. Any proprietor of land might act as juror. The fine for non-attendance was from 5 to 20 shillings. Prisoners were to be maintained at the rate of a pound of pemmican a day, or its equivalent in other provisions.

In 1841 a new Assiniboia came into being. The earliest district had extended into the United States. On the adjustment of the boundary, the term was restricted to that portion of the original grant that lay within British dominions. Regulations were now adopted for what really constituted a municipality, extending in all directions fifty miles from the forks of the Red and Assiniboine Rivers. The term settlement was limited to the area in breadth four miles from the nearest point of either river, in length four miles from the highest or lowest permanent dwelling. Regulations were amended or re-enacted with regard to fires, pigs, fences, hay, stallions, horse-taking, maintenance of prisoners, the intoxicating of Indians, distillation, roads and bridges, customs duties, police and courts,—sixty enactments in all.

In April, 1845, all questions of revenue or prohibition or license were assigned to the Governor and Council and a jury. Provision was made to enable plaintiffs and defendants to summon each other as witnesses in all cases coming before the General Court. Adam Thom, John Bunn and Alexander Ross were constituted a commission to examine such parties accord-

ing to the English principles of equity. The result of such examination was to go to the jury as evidence.

The Canadian and halfbreed population exhibited a tendency to grow restless under certain grievances. In 1848 they held meetings to demand free trade in furs, the abolition of existing laws respecting imports from the United States, and the granting to Canadians and halfbreeds of some measure of representation in the Council. Other demands concerned judicial matters,—the immediate removal of Mr. Recorder Thom and the conducting of all judicial business through the medium of a judge who should address the court in French as well as in English. The Council resolved that Mr. Thom's personal liberty should be protected but that in all cases involving Canadian or halfbreed interests the court should be addressed in both languages.

An increase in the number of magistrates occurred in 1850. Pascal Breland, Urbin Delorme and Joseph Guilbeau were now magistrates for the White Horse Plain District; François Bruneau, Maximilien Genton, William McMillan, William Ross, Alban Fidler, for the Upper District; Donald Gunn, Roderick Sutherland and John Inkster for the Lower District. Courts were held in each district every second month but it was left to the discretion of the magistrates to adjourn their courts over the season of seed time and harvest. Two magistrates and a president formed a quorum. The courts were given summary jurisdiction in all ordinary police cases and in all actions for debt to the amount of forty shillings. They also possessed jurisdiction in actions for debt up to five pounds, but when the amount was above forty shillings an appeal could be made to the Quarterly General Court, provided that the appellant deposited with the sheriff an amount sufficient to cover costs. Presidents of the court were given only a casting vote in cases where a majority had not decided. In his district Cuthbert Grant was President and held court at his own residence. In the Lower District, court was held at St. Andrew's School House, and John Bunn and Thomas Thomas were Presidents; in the Upper, court was held at the Court House, and Alexander Ross and Andrew McDermot were Presidents. An allowance of five pounds yearly was made to each magistrate.

An exceedingly valuable document is the report of the Law Amendment Committee presented in May, 1851. This dealt with the state of the law of the district and reduced all exist-

ing regulations within the compass of little more than forty resolutions. The principle of introducing into a dependency the law of England as it existed at the date of the acquisition of the dependency, would have operated to make the law of Rupert's Land that which existed in England on May 2, 1670. The Committee suggested the substitution of the accession of Queen Victoria as a date which would render nearly every legal publication in the community a work of authority. The local legislature was declared to be subject to all the statutes of the Imperial Parliament which applied to Rupert's Land, to the regulations of the Governor and Council of Rupert's Land and to the provisions of the Company's Charter. It possessed no right to control any of the Company's chartered powers within the district, whether territorial or commercial or political. It enjoyed no power to create corporations, and laboured under special restrictions in relation to Indians and pensioners. The natural guardian of restrictions upon legislation was the Governor of Assiniboia. In default of a prerogative of subsequent approval or rejection he enjoyed the preliminary option of putting or not putting, any and every question. Local enactments, unless expressly extended further, applied only to that part of the District of Assiniboia which formed Red River Settlement and its environs. These enactments covered the following subjects,—fire, animals, horse taking, hay, roads, the Red River library, distillation, the intoxicating of Indians, customs duties, police, intestate estates, marriage licenses, the administration of justice and legislative proceedings.

Customs Regulations.

It was not until representative government was established that customs regulations adapted to existing economic conditions were framed. The situation was complicated. Many goods were shipped from England by way of Fort York. Canada at the time was only a sister colony. Minnesota and other portions of the United States were not as yet organized, even as territories. The Hudson's Bay Company owned the district, after the middle thirties at least, the government of which at times sought to tax the Company itself. The jurisdiction of the Council did not extend over the whole settled area, and no other provision was made for the control of those who dwelt on the fringes of the settlement. Dealers in whiskey contrived to elude customs officers. Duties were levied on

exports as well as on imports, and the methods devised for the collection of the revenue proved inadequate. Petitioners clamoured for retaliatory measures against the United States. The whole trend of tariff history, however, was towards a growing free list and a reduction of duties.

The Governor and Council of Assiniboia were the first to address themselves to general legislation for the welfare of the inhabitants of what now constitutes the Canadian West, The Company's regulations had applied to scattered posts and had reference solely to the fur trade in its various relations. The Council of Assiniboia had wider interests than trade. They provided penalties for those who kindled fires on the plains, who allowed their animals to run at large, who, without the owner's consent, took a horse to ride or drive, or who, before July 20, cut hay beyond the two miles line. Thev insisted upon a width of two chains for main highways and appointed road inspectors. They regulated the distillation of native spirits and forbade the sale of intoxicating liquors to Indians. They established a constabulary and a system of courts, and controlled the administration of intestate courts, and the issue of marriage licenses. Year by year they framed enactments looking towards the general good. Buildings were erected as court houses, as gaols and for other public purposes. One Committee of the Council, the Board of Works, constructed roads and bridges and maintained ferries; another, the Committee on Economy, awarded prizes for the best specimen of cloth spun and woven in the same house, and brought from England, by way of Fort York, the model of a fulling mill and such dyes as the settlers required. Premiums were paid for the destruction of wolves and for the improvement of agriculture and manufactures. A postal service was maintained and an inspection of weights and measures instituted. Public money was devoted to education and surveying.

There had been other Councils to assist the Governor of Assiniboia before the session of Feb. 12, 1835, but the Council convened on this date was larger and more representative of the whole community, and Assiniboia itself had just passed from the Selkirk estate back to the Company. The change in the constitution of the Council indicated an attempt to introduce a greater measure of personal contact between the community and the Governor and Council. The first resolution adopted by the Council was to establish a tariff with a view to raising funds to defray necessary expenses. The duty for both im-

ports and exports alike was fixed at 7½ per cent. This was levied at Fort York on all goods from England except made-up clothes, books and personal baggage already used by the importer. In the settlement itself duty was collected on all exports, likewise on all imports from Canada or the Unittd States other than personal baggage and on all country produce brought by the Fur Trade to the settlement for sale. On the same date, James Bird was appointed receiver of import and export duties. He was required from time to time to lay his account books before the Governor and Council and the Committee for the management of Public Works.

A customs duty of 7½ per cent was regarded as excessive by the Governor and Committee of the Hudson's Bay Company in London. They accordingly sent a despatch to this effect to the Governor and Council of Assiniboia. The latter at its session of June 13, 1836, lowered its duty on imports and exports to 5 per cent for the year 1836. At the same meeting the salary of the Receiver of Duties was placed at £15 per year.

In 1837 an excise duty of two shillings per gallon was levied on all proof spirits manufactured in the settlement, by the distillery. All such spirits were allowed to be exported free of duty. The revenue from the excise duty, as well as the duties on imports and exports, was applied to the maintenance of the police corps, gaol, court house, and other public works and institutions. On June 16, 1837, the duty on imports and exports was fixed at 4 per cent, the rate at which it was destined to remain in spite of the promise made at the time that a further reduction would be made as soon as the excise tax became available.

The import duty was not reduced below 4 per cent. The changes that took place during the following quarter of a century were in the direction of an extension of the free list.

Export duties were abolished. Nothing is said of them in the general consolidation of rules and regulations, governing the district which took place in 1841. The problems that henceforth confronted the government had chiefly to do with the regulation of the importation of liquors, the collection of the revenue, and the improvement of manufactures and agriculture.

In 1841 the free list included the product of the chase, commodities merely passing through the district, anything that both had been used and was to be used by the importer himself, anything imported by a traveller for personal or domestic purposes, live stock and periodical publications of miscellane-

ous matters. In 1845 British subjects, being actual settlers and not public defaulters, were allowed once in every year to import either from Great Britain or from St. Peters, stoves free of duty. Under the same conditions, imports of the local value of £10 could be brought in without duty on the declaration that they were intended to be used exclusively by the importer himself within the settlement, and had been purchased with certain specified productions or manufactures of the settlement, exported in the same season, or by the latest vessel, on his own account, and at his own risk. This amount was placed at £50 in the case of those who had personally accompanied both exports and imports, and who declared that the goods were either to be consumed by themselves or sold directly to actual consumers within the settlement. At the same time all commodities, unless proved to have been imported from the United Kingdom, were, with the exception of the produce of the chase and the other articles mentioned above, presumed to have been imported from the United States, and were accordingly subjected to the operation of the Imperial Statute (5 and 6 Victoria, ch. 49) which regulated the foreign trade of the British possessions in America. The Committee on Economy also, which consisted of the Bishop of Juliopolis, Rev. John Macallum, Captain Cary, Dr. Bunn and Mr. Pritchard, and whose functions were to encourage by premiums or otherwise, the improvement of manufactures and agriculture, were empowered to import, duty free, seeds, drugs, implements and other commodities likely to prove beneficial to the whole district.

Tariff legislation was closely associated with other phases of the life of the community. In 1847 it was made to play a role in the defence of the settlement. The requirements of the troops had become so great that it was felt to be undesirable to encourage exportation. Those regulations which exempted imports from duty in consideration of products and manufactures exported from the settlement, were suspended for one year. This period was made three years with respect to the returns from exported cattle. The duty on stoves was not henceforth to be remitted unless the importer made declaration that neither within nor without Her Majesty's dominions had he encouraged any soldier in the military offence of being absent from barracks without a pass.

The importation of liquor from the United States constituted a difficult problem. On May 20, 1847, the Council

unanimously adopted a recommendation from the Finance Committee that spirits of proof strength and liqueurs might be imported from the United States, at a duty of two shillings a gallon in addition to the existing duty of 4 per cent on prime cost and a shilling a gallon. Spirits of more than proof strength were to pay a proportional increase; spirits of less than proof strength were to be forfeited. At the same time regulations were adopted in regard to wines, spirits in vessels not full or containing less than eight gallons, and spirits left by the way side or broached or removed before payment of duty. Provision was made whereby British subjects who had gone and come in the same season, and had accompanied the whole of their importations from St. Peters to their own homes, could sell on their own account, for ready money only, spirits imported at their own risk in quantities not less than two gallons and of a strength not less than proof. On Nov. 18, of the same year, owing to the convenience which had attended the importation of spirituous liquors from the United States, the importation of ardent spirits from that quarter was prohibited under penalty of confiscation.

In 1848 books imported for the Public Library were put on the free list. On Oct. 10, of this same year, in response to a petition for modification of the duties on imports from the United States, a uniform duty of 10 per cent was imposed on all commodities other than those already on the free list. This proved far from satisfactory to the Canadian and halfbreed element of the population, who were already inflamed against Recorder Thom and were insisting upon free trade in furs, the introduction into the Council of members to represent the Canadians and halfbreeds, and the conduct of judicial business by a judge who could speak French as well as English. In the spring of 1849 they voiced their discontent in a turbulent meeting. A session of the Council was summoned by Major Caldwell to restore tranquillity in the settlement, and to consider the demand that the existing laws with respect to imports from the United States should be rescinded. Two months later the Council reduced the duty on imports from the United States to 4 per cent. Stoves still continued exempt from all customs.

On Mar. 29, 1851, was adopted a revised code of municipal regulations. The free list was greatly enlarged. It now included the produce of the chase, whole packages passing through the settlement according to their original destination, personal

baggage, live stock, books, maps, plates, prints, philosophical apparatus, stoves, anything intended for the improvement of agriculture or of manufactures, canvas, ropes and other naval stores brought into use for the importer's own boats on their upward voyage, and packages employed as such.

During the ensuing years the Collector of Customs Duties encountered various difficulties in the discharge of his office. As the Council had no official correspondence with the American Agents who supplied merchandise to the settlers of the colony, it was found almost impossible for the collector to know who imported goods from the United States via Pembina. He asked for the enactment of a law, compelling all importers from the United States, within a limited period after the arrival of their merchandise, and before breaking bulk, to produce their invoices to the collector. Portage la Prairie constituted another problem. Should the collector consider it to be within the District of Assiniboia and demand customs duties on importations? The collector asked that in the case of all merchandise for places more than a certain distance beyond the Forks of the Red River, the importer should pay the customs before leaving the Upper Court House, and before breaking bulk. On Oct. 18, 1852, the collector propounded the following questions to the Council,—"whether clergymen, with the inhabitants of Indian Missions situated in the District of Assiniboia, are exempt from Custom Duty? Whether materials imported (expressly for the building of churches and chapels or any places intended for Divine service) such as bells, glass, nails, paint, putty, oil, sheet iron, and other necessaries, whether for embellishment or service of said edifices, are exempt from Custom Duties?" To this the answer was given in a motion by Dr. Bunn, seconded by Mr. Cockran, "That church bells be exempted from duty."

On July 19, 1855, the collector reported to the Council that from since 1849 the Hudson's Bay Company had refused to pay import duty on merchandise which was sent to outposts and which had formed part of their original outfit to Fort Garry. When a requisition for the sum due was made, the Council was referred to Sir George Simpson, who never failed to guard the Company's interests.

A petition with 59 signatures from the Upper and 29 from the Lower part of the settlement asked, on Mar. 10, 1859, for increased protection for the agricultural interests of the colony by the imposition of a retaliatory tariff against the United States. The petition is here quoted in full,—

"The petition of the undersigned inhabitants of this Colony Humbly showeth,

That, on the formation of Minnesota into a Territory, Horn Cattle, Horses, flour and other articles, the produce of this settlement, have been met, on their introduction into that Territory, by a Duty of Twenty per cent on the bona fide value of the same articles in this settlement. The same tariff of duty still exists, not only in Minnesota, but also in all the unorganizel country to the west of Minnesota.

"Your Petitioners would humbly submit to your honourable Council, that, if the Government of the United States feels itself bound, in duty, to protect by the imposition of such high Tariff of duty, the agricultural interests of its citizens, how much more do our agricultural interests, the only material interests of this Colony, require protection, especially when we consider the many great advantages which the American agriculturists possess, 1. In the low price they pay for land; 2. In a warmer climate; 3. In the facility and cheapness with which they can procure all kinds of agricultural implements, and, lastly, in the activity and energy exhibited by the national Government to open up the ways of commerce.

Therefore, your Petitioners humbly pray that your honourable Council will be pleased to take our petition into your most gracious consideration, and trust that you will see the justice and expediency of passing a legislative act imposing an import duty of twenty per cent on Horn Cattle, Horses, Pork, salted or fresh, Salted Beef, Flour, Indian Corn and Biscuits, on being imported from the United States of America into the colony." On motion of Dr. Bunn and the Bishop of St. Boniface this petition was laid on the table.

The imposition of duties on whiskey called forth much debate and many petitions. On Mar. 10, 1859, four petitions on this subject were presented by Robert McBeath, Thos. Sinclair, and the Bishops of Rupert's Land and St. Boniface. The evil effect of whiskey on the Indian population was the chief reason assigned for advocating a heavy duty and a stringent license system. Two years later the Council was again requested to use every effort to stop the importation of liquor from the United States "and, if it cannot be stopped, that it may be taxed the highest." At the same time a majority of the Council expressed a desire to establish a British preference in the matter of spirituous liquors. A duty of 5s. per gallon

was proposed for all liquors except those directly imported from the United Kingdom. Action in this matter was, however, deferred.

With the expansion of the colony more customs officials were from time to time appointed and in 1860 a move was made towards the erection of a customs house and bonding store.

An accurate conception of prairie tariff regulations in the decade prior to the creation of the Province of Manitoba, with the complete free list, the regulations governing collectors, invoices, customs examinations and contraband goods, can be gained from an examination of the revenue laws passed by the Governor and Council of Assiniboia, Mar. 14, 1861. An address to the public was issued in explanation of the differential duties on wine and spirits,—

" The Governor and Council in imposing differential duties on the importation of wine and spirits contemplate solely the mitigation of an evil. The wines and spirits as now obtained from the United States are complained of as profuse in quantity, and deleterious in quality. The importation from the British Dominions has not as yet incurred similar objections. Such importation cannot be a monopoly so long as the bonded vaults of New York are open to capital and enterprise.

To abolish the consumption of Spirits is unattainable. The minor benefit is to moderate its quantity and to protect against the evils of adulteration. This can only be attempted by imposing a heavy duty upon impure admixtures and admitting approved manufactures at the old accustomed rate. The public must know that the tax falls upon the buyer and not on the vendor. It may add to the expenses of house keeping and the sick chamber but will not enhance the profit of the importer.

The native manufacture is not inferior to the importation from the United States, and is therefore so far worthy of protection. When the native manufacture shall be meet to supply by its quantity and quality the wants of the country it will be imperative on the Government to protect by heavy duties, local production against all foreign competition. Until then legislation can only tend to protect public health and, if possible, public morality, by making it most profitable to import of wine and spirits only what is genuine and to exclude what is adulterated (it may be feared that even the differential duties may fall short). The source of supply is the only test

of purity at present attainable, since there is not in the colony, analytical chemistry sufficient to supply any other. Next in benefit is the abolition of the abuse of spirits in the home production of what is consumed. Since expenditure cannot be prohibited, let it reward the industry of the home and not the foreign farmer."

On April 9, 1861, Mr. William Dease was appointed Collector of Customs Duty at Point Coupée; Roger Goulet at Upper Fort Garry; William R. Smith at Lower Fort Garry and Patrice Breland at White Horse Plain.

In 1862 a resolution was adopted allowing no wines or spirits, except for church services, to pass through the district in bond. Further resolutions were later passed, having regard to the collection of duties, and the exhibition of invoices and manifests. The revenue laws passed on Mar. 14, 1861, constitute practically a complete statement of tariff regulations for the District of Assiniboia.

Postal Facilities.

Until 1850 the postal facilities were limited to the York packet and the winter post overland to Canada. It was the arrival of the Bishop of Rupert's Land that brought about an agitation for increased postal communications. "The Queen," so runs the item in the Minutes, "having been pleased to erect Rupert's Land into a Bishopric and Diocese, and other improvements, have brought the Settlement of Red River into nearer connection with Her Majesty's Government, and have created a corresponding interest in the minds of the British public for the advancement and prosperity of this colony; it appears desirable, therefore, to keep alive the feeling by a more frequent communication with our Fatherland.

And, whereas the private traders specially, and the settlers generally, would be benefitted thereby, it is, therefore, proposed that a sufficient sum from the public funds be appropriated for sending an express from hence with letters for England, via St. Peters, or the nearest post town, the bearer to bring back all letters and newspapers for the Settlement." This motion was cancelled when Sir George Simpson promised for £200 to ensure the settlement six opportunities of correspondence with Europe each year. We are fortunate enough to be able to produce the account of newspapers, books, letters, etc., sent and received at the Red River post office, from Mar., 1855, to Feb., 1856. Mr. William Ross was postmaster at the time.

Month.	Papers.	Letters.	Parcels.	Postage. U. S. £	s.	d.	R. R. £	s.	d.	Total. £	s.	d.
1855.												
March	152	320	56	11	4	11	4	16	7½	16	1	6½
April	42	199	342	5	13	11	4	6	...	9	19	11
May	270	150	128	5	9	4½	3	10	1	8	19	5½
June	110	82	5	2	6	10½	1	9	9	3	16	7½
July	177	204	19	3	2	6	3	6	4	6	8	10
August	140	134	3	2	8	5	2	3	8½	4	12	1½
September	195	150	...	2	5	1½	2	12	1	4	17	2½
October	278	325	.....	6	5	7	5	4	5	11	10	...
November	240	328	.....	5	9	9	5	2	...	10	11	9
December	241	209	.....	3	9	3	3	13	2½	7	2	5½
1856.												
January	325	471	15	10	7	5½	7	6	10½	17	14	4
February	267	249	12	4	10	6½	4	6	–½	8	16	7
Total	2,437	2,821	580	62	13	8½	47	17	1½	110	10	10

On Feb. 27, 1855, a monthly mail was established between the settlement and Pembina. This was found to be of great convenience. In 1858 communication with Canada by the Lake of the Woods was advocated by the Bishop of Rupert's Land. In 1861, complaint was made that letters from the Canada mail and the fortnightly mail from the United States often remained at the upper post office for weeks. Shortly after, thanks to the energetic policy of the United States Government, the settlers were able to procure their mails weekly from Pembina.

By 1862 Postmaster James Ross could say of the postal service,—"Post office duties require me to remain almost constantly at home. For two or three days before the mail starts, and two or three after it comes in, I must absolutely be at home to receive or give out mail matter. I have been obliged to erect a Postoffice Building at an outlay of 30 Pounds. A Postoffice is always built at the public expense or a building is rented for the purpose. Here it is done at my own expense.

One constant source of labour is keeping running accounts with mail-dealers. There are many poor people who cannot pay at once, and many others who, though able, on account of the distance at which they reside, pay only at intervals. There are over twenty, sometimes as many as thirty, with whom I

thus keep open accounts. This manifold account keeping imposes much additional labour, but it is a very great convenience to mail dealers. It is in fact, a necessary evil. The worst feature of this case is that too often I lose the postage altogether.

10 Pounds was the salary when the mail was monthly. At present it is fortnightly and will in all probability be trimonthly or weekly before many months."

In 1866 the Council granted £5 towards establishing a fortnightly mail for the settlers at Portage la Prairie.

Social Life.

The settler did not confine his attention to farming alone. At times he turned hunter. Three days at least he must give towards the improvement of roads and bridges. Twice a year, in September and May, he could attend the public fair at Frog Plain. To attend divine service, he did not need to go far afield. In 1848 a public library was incorporated and all its importation of books exempted from customs duties. By 1859 the *Nor'Wester* was established and its editors were soon seeking admission to the deliberations of the Council of Assiniboia. This paper displaced the pasteboard bulletins that had formerly been distributed over the settlement, and superseded the custom of hanging on the church doors resolutions passed at Council meetings, regarding the police or the straying of rams. The support which the Council gave the cause of education was entirely insufficient. In 1851 a grant of £100 from the public funds was made, to be divided between the Anglican Bishop of Rupert's Land and the Roman Catholic Bishop of the North West to be applied by them at their discretion to the cause of education. This called forth a demand for a grant by the Presbyterians at Frog Plain. They were given fifteen pounds. The Bishop of St. Boniface thereupon demanded and received an additional grant of fifteen pounds. In March, 1853, a despatch from the Honourable Committee was received disapproving of the grants for education, as being a misapplication of the public fund. The cause of education accordingly suffered. In this connection the Minutes of Feb. 22, 1866, clearly exhibit the attitude of the Council towards the educational needs of the settlement,—

"The President laid before the Council a petition from the Settlers at Point Coupee to the number of 27, representng that,

with a view to the instruction of their children, numbering as they state, about 60 in all, they had lately built a schoolhouse, but had not the means of paying a schoolmaster, and they were therefore led to petition the Council for such aid as it might be thought fit to afford. The Council by a majority of votes granted 10 Pounds to be payable to the Schoolmaster himself. But in granting that sum, the Council wished it to be distinctly understood by all concerned, that it would not be continued, being given for the present year only, and that it was not to be drawn into a precedent. For the Council, while admitting the unquestionable importance of education to the children of all classes in the community, were fully aware that the funds at their disposal would not admit of systematic grants being made for that purpose, and that in the present state of affairs, the educational wants of the Settlement must continue to be met in the same way as they have hitherto been."

The celebration of marriage was the occasion of no little agitation. The law of England as introduced into Rupert's Land, May 2, 1670, deemed valid such marriages only as were solemnised by a person in holy orders. This comprised the clergy of every Episcopal church but excluded Presbyterian ministers. The Council of Rupert's Land had found it necessary in 1848 to allow religious teachers in general, and, in case of necessity, certain laymen to celebrate marriages. This legislation, of course, was valid within the District of Assiniboia. Here on June 19, 1844, the Council had passed a resolution authorising the Governor, upon receipt of twenty shillings, to issue a marriage license to any applicant who declared on oath that neither himself nor his intended wife was already living in lawful wedlock. In consequence of the arrival in the settlement of the Bishop of Rupert's Land, this resolution was cancelled Jan. 2, 1850. The arrival of Rev. John Black, Presbyterian minister, soon called forth from the Presbyterians a petition "that all registers of marriage, baptisms and funerals, performed by the Rev. Mr. Black or any other regularly ordained Presbyterian minister settled here, be good and valid in law." They also asked that marriage licenses be issued by the Governor as before the arrival of the Bishop of Rupert's Land. These requests were granted on Nov. 27, 1851. On the application of Rev. John Young it was unanimously resolved on Nov. 7, 1868, "That any legally ordained

Wesleyan minister labouring in the settlement may validly solemnise marriage in the District of Assiniboia, and that all registers of Marriage, Baptisms and Burials kept by any legally ordained Wesleyan minister shall be deemed legal and valid records."

By a fortunate chance we have preserved in the petition of the Presbyterian Congregation of Frog Plain, dated Dec. 6, 1853, not only the names of the minister, John Black, and of the six elders, but also of 73 members and the twelve articles of the institution of the congregation.

The public tranquillity of the settlement was at times greatly endangered by the sale of beer to the Indians. Only a clergyman, or licensed physician, surgeon or apothecary, or representative of the Honourable Company, accordingly was allowed to give, sell, lend, or barter beer to an Indian. The right to distil rested in general solely with the company.

Wolves constituted a menace to the community at different times. In 1839 a premium of five shillings was paid for the head of every wolf killed within five miles of the banks of the Red River Settlement. Strychnine was also on occasions distributed by the bishop, the sheriff and the justices of the peace to counteract this evil.

In the forties, at least one-half, and that too, the hardier half, of the male adults were drawn away every summer from their homes, partly as carriers and partly as hunters. The colony at the very season that was peculiarly favourable to the movements of the Indian tribes was practically placed at their mercy. The withdrawal of the garrison struck dismay into the hearts of the Red River Settlement. The separation of the departments of government and trade for the district seemed to indicate a diminution of interest in Assiniboia on the part of the Company. The presence of the Sioux caused much anxiety in 1860. The sum of £30 was placed at the disposal of the Governor to meet the crisis. As we have seen they later became more threatening.

It was the transfer of the District of Assiniboia to the Dominion that inaugurated the new epoch in the history of what is now Western Canada, the importance of which was signalized by the gift of responsible government. But a new life had already been pulsing through the West. The Company had refused to forward a small printing press in 1851. But by Feb., 1860, the editors of the *Nor' Wester* were asking permission to attend the deliberations of the Council. Publica-

tion in the settlement had made a great stride since Resolution 35 of June 9, 1845,—"That next Sunday, the resolutions passed at last meeting regarding the police, and the straying of rams, be published on the church doors." This was manifested also in the growth of communities outside the limits of the district. Most conspicuous of these were Edmonton and Portage la Prairie. The latter was constantly applying to be annexed, and even established as an independent provisional republic. Perhaps not the least significant omen of the future was a reference to the town of Winnipeg. On Mar. 28, 1866 a petition was presented from certain "inhabitants of the town of Winipeg" representing that, owing to their locality having become a centre of business and a place where liquor was sold, the ordinary means of protection were found insufficient and praying for the appointment of two constables for that neighborhood, one for duty by day and the other for night." Not the most sanguine citizen of Assiniboia could have anticipated the marvellous career of Winnipeg as "a centre of business" any more than any could have guessed that the Council of Assiniboia was destined to be the forerunner of the prairies of no less than three Provincial Governments.

5. THE DOCUMENTS.

The documents relating to the District of Assiniboia are found chiefly in the Dominion Archives, Ottawa, and the Provincial Library, Winnipeg. Some are in the possession of private individuals.[1] The location of still others is unknown.

The Documents embrace the following:—

I. *Minute Books.*

(*a*) The Minute Book from May 4, 1832, to March 5, 1861. The history of this Minute Book has been enshrouded in mystery. Some have been under the impression that it was in the old well in Upper Fort Garry along with other records that disappeared on the morning of Col. Wolseley's triumphal entry into the abandoned fort. In his *Hudson's Bay Company's Land Tenures* (p. 117) Archer Martin says:—"When the Council of Assiniboia was established in 1835 by the Hudson's Bay Company its minutes were regularly kept in folio volumes. The last of these only can now be found. . . . The fate of the prior volumes is a mystery; it is the more re-

[1] Of these we give no account here. The editor possesses a few.

grettable because they would throw light on one of the most interesting periods in the history of Manitoba."

These Minutes are herewith given. Their history is not difficult to trace. When the Hudson's Bay Company transferred their territories to the Dominion, the Department of the Interior was not as yet formed. Nor did it come into existence till 1873. During that interval, responsibility for the government of the West was more particularly vested in a department which has long ceased to exist, that of the Secretary of State for the Provinces. Among the papers taken over from this department, not by the Department of the Interior, but by that of the Secretary of State, was the missing Minute Book. This, together with a quantity of other State papers was transferred to the Dominion Archives in 1904, where it now is filed as M. 721.

(*b*) The Minute Book from May 14, 1861, to Oct. 25, 1869, is in the possession of the Provincial Library of Manitoba at Winnipeg. It begins where the preceding Minute Book terminates and ends with the occupation of Fort Garry by the halfbreeds. Mr. J. P. Robertson, the Provincial Librarian, secured it from Government House during the regime of Lieutenant Governor Cauchon. Lieutenant Governor Archibald occupied the residence of Donald A. Smith, at Silver Heights. Subsequent Lieutenant Governors, however, occupied the building in Upper Fort Garry that had been the residence of the Governors and Chief Factors of the Hudson's Bay Company. This book, as the property of Governor Mactavish, had probably remained in the residence till the Lieutenant Governors entered. In this way Mr. Robertson explains its presence in Government House.

II. *Selkirk Papers.*

The Dominion Archives possess 79 portfolio volumes of Selkirk Papers transcribed from original sources. These embrace more than 20,000 MSS., pages of letters, diaries, journals, agreements, letters of instruction, etc. From these is obtained the greater quantity of the documents relating to the Selkirk Period.

III. *Bulger Correspondence.*

Seven volumes of original documents (M. 149-M. 152 C.) are in the Dominion Archives. They constitute a most valuable source of information for the administration of Captain Bulger.

IV. *Census Books.*

(*a*) In the Provincial Library, Winnipeg, are census books for the following periods,—

May 1832, 1833, 1838, 1840, 1843, 1846-7, 1849 (incomplete) 1856 (incomplete).

(*b*) In the Dominion Archives is a census book (M. 399) containing census statistics for the following years,—1831, 1834, 1835, 1838, 1840, 1843, 1846.

V. *General Quarterly Court Records.*

Three volumes in the Provincial Library, Winnipeg, give an exceedingly valuable source of information for social relations and judicial arrangements.

Vol. I.—Nov. 21, 1844-Aug. 21, 1851. 259 pages.
Vol. II.—Nov. 20, 1851-Feb. 24, 1863. 273 pages.
Vol. III.—Feb. 25, 1863-Nov. 18, 1869. 174 pages.[1]

VI. *S. Taylor's Diary.*

This volume relates to the Red River, 1849-1857, 1859-1866, and is to be found in the Dominion Archives.

VII. *The Canadian Archives, Series M., Volumes* 778A-G.

A collection of original documents, including Coltman's Report, relating to the early history of the Red River.

VIII. *Colony Register A.*

A copy of this Colony Register A is in the Dominion Archives, (M. 721). It contains copies of the following documents,—

(*a*) Conveyance of the District of Assiniboia from the Hudson's Bay Company to Lord Selkirk, June 12, 1811.

(*b*) Treaty made between Lord Selkirk and some Indian chiefs, July 18, 1817.

(*c*) Lord Selkirk's will disposing of his property in Europe, April 28, 1820.

(*d*) Lord Selkirk's will disposing of his estates in America, April 28, 1820.

(*e*) Certificate of probate of the above wills by the Archbishop of Canterbury.

(*f*) Documents signed by Lord Selkirk's executors transferring their trust and power to other executors, July 1, 1820.

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[1] Pages 175-214 contain records for Manitoba, November 17, 1870-May 20, 1872.

(*g*) Power of Attorney granted by the Selkirk executors to George Simpson and Robert Parker Pelly to sell or dispose of all or part of Assiniboia, May 18, 1823.

IX. *Red River Register B.*

A register of lands in the possession of the Land Department of the Hudson's Bay Company, Winnipeg.

X. *Compilation of Records of the Council of Assiniboia in the Library of the Legislature, Winnipeg.*

1. Notes by Sir George Simpson when laying out Red River Colony into Petty Court Districts, 1835.[1]
2. Statement from H. B. House, London, showing balance to credit of the Government of Assiniboia, June 1, 1843.
3. The same for June 1, 1844.
4. The same for June 6, 1845.
5. Statement by John Black regarding constables' fees in connection with an Indian murderer, Aug. 31, 1845.
6. Statement to Government from James Bird, Collector of Customs, regarding import duty, 1845-46.
7. Statement from H. B. House, London, showing balance to credit of the Government of Assiniboia, June 5, 1846.
8. Account sent to the Board of Works by Robert Logan, Dec. 8, 1846, for the construction of bridges.
9. Account presented to Alexander Ross by John Black for witness fees at May Court, June 24, 1846.
10. Account sent to the Board of Works for ferry at the Forks, Aug. 1, 1846.
11. Account sent to Alexander Ross, chairman of the Board of Works for bridge at Rowland's Creek, Image Plain, May 27, 1846.
12. Account sent to Alexander Ross, chairman of the Board of Works for repairing James Spence's bridge, July 16, 1846.
13. Order on Alexander Ross to pay a charge of the Board of Works, Oct. 30, 1846.
14. Correspondence by John Black regarding marriage licenses, 1846.
15. Order on Alexander Ross by Robert Logan, July 2, 1846.

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[1] There is evidently an error here. The handwriting is quite unlike that of George Simpson. A comparison of the original with the minutes of October 16, 1850, shows that the date should be 1850 not 1835.

16. Memo. by Alexander Ross regarding interpreters in Neil McDonald's case, General Court, Nov. 29, 1846.

17. Order on Alexander Ross by Cary and Pruden for Rowland's Creek bridge, Nov. 6, 1846.

18. Voucher by Alexander Ross for money paid into court for police, Sept. 1, 1847.

19. Vouchers for salaries paid Magistrates Bunn and Grant, Sept. 1, 1847.

20. Gaol account, attested by Governor Christie, Feb. 17, 1848.

21. Order on the Bishop of Juliopolis for the freightage on fulling mill, Nov. 20, 1847.

22. Order on Alexander Ross for work on public roads, July 5, 1847.

23. Order from chairman of the Committee of Economy for prize awarded for the production of the best cheese, Oct. 26, 1847.

24. Court House account. Dec. 22, 1847.

25. Detailed statement of supplies for prisoners. May 15, 1848.

26. Statement to Court by Narcisse Marion. (In French) 1847.

27. Public Works account. Nov. 15, 1847.

28. Statement of work done on the public roads, 1847.

29. Receipt for salary as magistrate by G. M. Cary, 1847.

30. General Court Order, Feb. 24, 1847.

31. Duty account, May 11, 1847.

32. Gaoler's account, May 17, 1847.

33. Order from President of the Committee of Economy, to pay Secretary, Feb. 2, 1847.

34. Order to pay for drawing up a beer license, Feb. 26, 1847.

35. Order from court to pay for repair of bridges, Mar. 9, 1847.

36. Account of Hudson's Bay Company, Mar. 2, 1847.

37. Memo. of amounts of English and American imports, May 11, 1847.

38. Board of Works account for cordwood, May 6, 1847.

39. Board of Works account for cleaning guns, April 30, 1847.

40. Order on collector of taxes by the President of the Committee of Economy, Feb. 1, 1848.

41. Order on Alexander Ross for repairing bridge, May 17, 1848.

42. Order on Alexander Ross for boards for fulling mill, Aug. 31, 1848.

43. Order on Alexander Ross for work done on bridge, April 10, 1848.

44. Order on Alexander Ross for work done on public roads, Mar. 6, 1848.

45. Dr. Bunn's account for attending Alexander Dahl in gaol, Jan. 10, 1848.

46. Receipt for salary as magistrate by Cuthbert Grant, June 27, 1848.

47. Vouchers showing public funds on hand, June 1, 1847-June 1, 1848, and June 1, 1848-Oct. 19, 1848.

48. Order on Alexander Ross for erecting a bridge, July 10, 1848.

49. Order on Alexander Ross for wages to police, Sept. 1, 1848.

50. Order on Alexander Ross on account of fulling mill, Sept. 11, 1848.

51. Public Works account for bridges, Feb. 4, 1848.

52. Statement of English, American and Canadian imports by the H. B. Co., subject to 4 per cent duty in 1847, May 23, 1848.

53. Order on Alexander Ross for work done on bridges, June 23, 1848.

54. Receipt for drawback on stove, Mar. 17, 1848.

55. Order on Alexander Ross for amount voted by Government towards public library, Feb. 1, 1848.

56. Receipt for expenses in connection with prisoner, John Hogan, March, 1848.

57. Letter from Governor of Assiniboia concerning import duty, May 25, 1848.

58. Order on Alexander Ross for sum for fulling mill, Feb. 14, 1848.

59. Gaoler's account, May 27, 1848.

60. Order on Alexander Ross for timber for bridges, July 13, 1848.

61. Vouchers, Mar. 22, 1848.

62. The Hudson's Bay Company's account, April 30, 1849.

63. Vouchers for money paid on stoves, Mar. 24, 1848.

64. Order on Alexander Ross for oak for Sturgeon Creek bridge, June 22, 1848.

65. Statement from Hudson's Bay House, London, showing balance to the credit of the Government of Assiniboia, June 1, 1848.

66. The same, May 31, 1849.

67. Part of census book, 1849.

68. Commission of Justice of Peace issued to John Bunn, Dec. 6, 1850.

69. Statement from Hudson's Bay House, London, showing balance to the credit of the Government of Assiniboia, June 7, 1850.

70. Estimate of timber required for repairs and improvements of roads and bridges, 1850.

71. Report of Government Inspector on roads and bridges, Oct. 31, 1850.

72. The same, Nov. 20, 1850.

73. Estimate of timber required for repairs and improvements of roads and bridges and contract prices, 1851.

74. Estimate of timber for bridge repairs, Feb. 27, 1851.

75. Contracts for timber for roads and bridges, 1851.

76. Balance sheet of public funds, May 31, 1853.

77. Commission issued to Superintendent of Roads and Bridges, Dec. 20, 1852.

78. Statement from Hudson's Bay House, London, showing balance to the credit of the Government of Assinoboia, June 4, 1852.

79. The same, June 9, 1855.

80. The same, June 13, 1856.

81. Part of census book, 1856.

82. Statement from Hudson's Bay House, London, showing balance to the credit of the Government of Assiniboia, June 12, 1857.

83. The same, June 11, 1858.

84. Statement of account of Government of Assiniboia with Lower Red River District, 1858.

85. Statement showing import duty payable by the H. B. Co., Feb. 12, 1859.

86. Public Account of the Government of Assiniboia, 1858.

87. Statement of work done on public roads, April 26, 1860.

88. Accounts handed in to General Court, June 5, 1862.

89. Power of Attorney from William Flett to William Robert Smith, Clerk of the Council, June 5, 1862.

90. Promissory note filed in court, June 2, 1862.

91. Petition regarding duty on liquor, Jan. 21, 1863.[1]

92. Petition regarding duty on liquor, Mar. 1, 1863.[1]

93. Statement regarding work on public roads and purchase of wolf heads, May 26, 1865.

94. Petition for formation of cavalry companies for protection against Sioux, 1864.

95. François Bruneau's account with Government, 1864.

96. Correspondence between Governor Dallas and Major Hatch regarding Sioux Indians, Mar. 4, 1864.[2]

97. Petition regarding irregularities in the post office at Winnipeg, Aug. 30, 1865.[3]

98. Bills of Exchange payable at Hudson's Bay House, London, 1865.

99. Petition from Dr. Couvenant for sum of money for medicines for the poor, Dec. 17, 1868.[4]

100. Letter from Rev. Jas. Carrie asking for clothing for widows and orphans, Dec. 12, 1868.[5]

101. Complaint of obstruction of public road.[6]

102. Petition regarding license to distil whiskey and malt liquors.[7]

103. Petition from Government at Portage la Prairie, Dec. 16, 1868.[8]

104. Statement of need of relief during grasshopper plague, Mar. 8, 1869.

105. Petition that Alex. Harkness be granted a license as tavern keeper, April 4, 1869.[9]

106. Petition regarding ferry on the Red River, May 15, 1869.[10]

107. The account of the Thomas Sinclair Estate, June, 1869.

108. Draft of an address by the Bishop of Rupert's Land which would have been presented by the Council of Assiniboia to Hon. Wm. McDougall had his entry to the country not been checked.[11]

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[1] See Minutes of Council of Assiniboia, March 11, 1863.
[2] " " " " March 12, 1864.
[3] " " " " January 4, 1866.
[4] " " " " January 28, 1869.
[5] " " " " December 17, 1868.
[6] " " " " January 4, 1866.
[7] " " " " December 17, 1868.
[8] " " " " December 29, 1868.
[9] " " " " May 17, 1869.
[10] " " " " May 17, 1869.
[11] " " " " October 19, 1869.

109. Minutes of a meeting of the Council of Assiniboia, Oct. 25, 1869.[1]

110. Letter from Councillors of Assiniboia to Governor Mactavish, 1869.[2]

111. Letter from Judge Black to Thomas Bunn, Nov. 4, 1869.

XI. *Begg.—Red River Journals,* 1869-70.

2 Vols. in MSS. in the Dominion Archives (M. 191-192).

XII. *Pamphlets and Books in the Dominion Archives.*

1. A letter to the Right Hon. the Earl of Selkirk on his Settlement at the Red River near Hudson's Bay. By John Strachan, D.D., Rector of York, Upper Canada, London, 1816.

2. A sketch of the British Fur Trade in North America with observations relative to the North West Company of Montreal. By the Earl of Selkirk, second edition, 1816.

3. A narrative of occurrences in the Indian Countries of North America, since the connexion of the Rt. Hon. the Earl of Selkirk with the Hudson's Bay Company and his attempt to establish a colony on the Red River; with a detailed account of His Lordship's military expedition to and subsequent proceedings at Fort William in Upper Canada, London, 1817.

4. Statement respecting the Earl of Selkirk's Settlement upon the Red River; its destruction in 1815 and 1816; and the massacre of Governor Semple and his party. With observations upon a recent publication entitled "A Narrativ of Occurrences in the Indian Countries." London, 1817.

5. Report of the Trials of Charles de Reinhard and Archibald McLellan for Murder at a Court of Oyer and Terminer, held at Quebec, May, 1818, from minutes taken in short hand under the sanction of the court. Montreal, 1818.

6. Trial of John Siveright, Alexander MacKenzie, Hugh McGillis, John McDonald, John McLaughlin and Simon Fraser, 1818.

7. Report at large of the Trial of Charles de Reinhard for murder (committed in the Indian Territories) at a court of Oyer and Terminer held at Quebec, May 18; to which is annexed a summary of Archibald McLellan's indicted as an accessory. By William S. Simpson, Esquire, Montreal, 1819.

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[1] See Minutes of Council of Assiniboia, October 25, 1869.
[2] " " " " October 19, 1869.

8. Report of the proceedings connected with the disputes between the Earl of Selkirk and the North West Company at the assizes held at York in Upper Canada, October, 1818. From minutes taken in court. Montreal, 1819.

9. Papers relating to the Red River Settlement, viz., return to an Address from the Honourable House of Commons to His Royal Highness The Prince Regent, dated June 24, 1819. P. F. 104, No. 1.

10. Report of trials in the courts of Canada relative to the destruction of the Earl of Selkirk's Settlement on the Red River with observations. By A. Amos, London, 1820.

11. The Substance of a Journal during a residence at the Red River colony, British North America, and frequent excursions among the North West American Indians in the years 1820, 1821, 1822, 1823. By John West, late Chaplain to the Hon. the Hudson's Bay Company, London, 1824.

12. History of Manitoba from the earliest settlement to 1835. By Donald Gunn, 1880.

13. Hudson's Bay Co., papers. Return to an Address of the House of Commons, May 26, 1842. P. F. 104, No. 2.

14. Hudson's Bay Company papers. Return to an Address of the House of Commons. Feb. 9, 1849. P. F. 104, No. 3.

15. Papers relating to the legality of the powers in respect to territory, trade, taxation and government claimed or exercised by the Hudson's Bay Company on the continent of North America, under the Charter of Charles the Second, or in virtue of any other right or title. July 12, 1850. P. F. 104, No. 4.

16. Hudson's Bay Company papers. Return to an Address of the House of Commons, Feb. 19, 1857. P. F. 104, No. 5.

17. Hudson's Bay Company papers. Return to an Address of the House of Commons, May 29, 1857. P. F. 104, No. 6.

18. Report from the Select Committee on the Hudson's Bay Company, together with the proceedings of the Committee, Minutes of Evidence, appendix and index. July 31, Aug. 11, 1857. P. F. 105, No. 1.

19. Hudson's Bay Company papers. Return to an Address of the House of Commons, Feb. 16, 1858. P. F. 105, No. 2.

20. Papers relative to the Hudson's Bay Company's Charter and License of Trade. Presented to Parliament April, 1859. P. F. 105, No. 3.

21. Hudson's Bay Company papers. Return (in part) to an Address of the House of Lords. July 2, 1863. P. F. 105, No. 4.

22. Return in continuation of above, July 2, 1863. P. F. 105, No. 5.

23. Return to an Address of the House of Commons, May 6, 1864. P. F. 105, No. 6.

24. Return to an Address of the House of Commons, Aug. 5, 1869. P. F. 105, No. 7.

25. Statement of proceedings taken by the Lords Commissioners of the Treasury to give effect to the guarantee of a loan for 300,000 pounds. P. F. 105, No. 8.

26. Return to an Address of the House of Commons, July 21, 1870. P. F. 105, No. 9.

27. Correspondence relative to the Recent Disturbances in the Red River Settlement. Presented to Parliament, Aug., 1870. P. F. 105, No. 10.

28. Correspondence relative to the recent Expedition to the Red River Settlement with Journal of operations. Presented to Parliament, 1871. P. F. 105, No. 11.

29. Report on the Red River Expedition of 1870. By Assistant Controller Irvine, C.M.G. Presented to Parliament 1871. P. F. 105, No. 12.

30. Notes of a Twenty-five Years Service in the Hudson's Bay Territory, 2 vols. By John McLean, 1849.

31. The Red River Settlement. Its rise, progress and present state with some account of the native races and its general history to the present day. By Alexander Ross. 1856.

32. Papers relative to the exploration of the country between Lake Superior and the Red River Settlement. Presented to both Houses of Parliament.

33. Papers relative to the exploration by Captain Palliser of that portion of British North America which lies between the Northern Branch of the River Saskatchewan and the frontier of the United States and between the Red River and Rocky Mountains. Presented to Parliament, June, 1859.

34. Report of Progress together with a preliminary and general report of the Assiniboine and Saskatchewan exploring expedition made under instructions from the Provincial Secretary, Canada. By Henry Youle Hind. Presented to Parliament, Aug., 1860.

35. Red River. By Joseph James Hargrave, F.R.G.S., Montreal, 1871.

36. Relations between the United States and North West British America. Letter from the Secretary of the Treasury in answer to a resolution of the House of Representatives on

May 20, 1862, on the subject of the relations with Northwest British America "particularly the central districts of the Red River of the North and the Saskatchewan." Laid on the table, July 11, 1862.

XIII. *The Nor'Wester.*

The first newspaper at Red River. The first number was published Dec. 28, 1859. An incomplete file is preserved in the Provincial Library, Manitoba.

XIV. *The Red River Pioneer, The New Nation.*

The first number of the Red River Pioneer appeared Dec. 1, 1859. On Jan. 7, 1860, appeared two outside pages entitled "The Red River Pioneer," and two inside pages entitled "The New Nation." These inside pages formed part of another paper entirely, called "The New Nation." These papers are preserved in the Provincial Library, Manitoba.

3. THE COUNCIL OF THE NORTH WEST TERRITORIES AT FORT GARRY.

Section 35 of the Manitoba Act (33 Vic., chap.4) reads as follows:—

"And with respect to such portion of Rupert's Land and the North West Territory as is not included in the Province of Manitoba, it is hereby enacted that the Lieutenant Governor of the said Province shall be appointed by commission under the Great Seal of Canada, to be Lieutenant Governor of the same under the name of the North West Territories."

Addressing the legislature of Manitoba on the 8th of March, 1873, Lieut. Governor Morris said:—

"A country of vast extent which is possessed of abundant resources is entrusted to your keeping, a country which though at present but sparsely settled, is destined, I believe, to become the home of thousands of persons, by means of whose industry and energy that which is now almost a wilderness will be quickly transformed into a fruitful land where civilization and the arts of peace will flourish."

According to the 'Act for the temporary Government of Rupert's Land and the North Western Territory when united with Canada,' June 22, 1869, the Governor-in-Council was empowered to appoint a council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant Governor in the administration of affairs with such powers as may from time to time be conferred on them by Order in Council.' This power was also granted with special relation to the portion of Rupert's Land and the North Western Territory not included in the Province of Manitoba, that is, the North West Territories, by 34, Vic. chap. 16, sec. 3, entitled 'An Act to make further provision for the government of the North West Territories.' The appointment of North West Councillors, thus, lay with the Dominion Government.

The early Lieutenant Governors of the North West Territories received their appointment as Lieutenant Governors of both Manitoba and the North West Territories. Of these the first was Hon. Adams G. Archibald.[1] Within a few weeks

[1] Hon. Adams G. Archibald, May, 1870; Hon. Francis Goodschall Johnson, April 9, 1872; Hon. Alexander Morris, December 2, 1872. The first Lieutenant Governor appointed for the North West Territories alone was Hon. David Laird, P.C., who on October 7, 1876 received his appointment under the North West Territories Act, 1875.

after his arrival at Fort Garry an outbreak of small-pox wrought tremendous havoc among the Indians of the Saskatchewan. In order that prompt measures might be taken to meet this crisis the Lieutenant-Governor, on Oct. 21, 1870, appointed Hon. Francis G. Johnson, Donald A. Smith and Pascal Breland to be members of the Executive and Legislative Councils for Rupert's Land and the North Western Territory. According to the Lieutenant-Governor these gave a fair representation to the three great interests of the West,—the English, represented by Judge Johnson, the French by Mr. Breland and the Hudson's Bay Company by Mr. Smith. On Oct. 22, they were sworn into office and entered upon their legislative and executive duties. Stringent ordinances were passed with reference to smallpox and spirituous liquors.[1] The Lieutenant-Governor at once sent to the Secretary of State for the Provinces a report of the measures he had taken. This official replied asking under what authority he had made the appointments. He reminded the Lieutenant-Governor that the appointment of Councillors lay with the Governor General in Council. He expressed his belief, however, that the gentlemen appointed had been chosen after full consideration, and that the Government would be prepared to confirm their appointments when made in the regular way. As the minimum number of Councillors was fixed at seven, the Secretary of State for the Provinces asked that a list of gentlemen, eligible for the position, should be transmitted to enable the Government to select a Council of Seven.

The Lieutenant-Governor wrote,—"Unfortunately, although I had then been in the Province from the 3rd September, nearly eight weeks, my books and papers despatched from Ottawa on the 6th August had never reached this place, and in all Manitoba not a single copy of the Acts of 1869 was to be found. I had but a vague recollection of the terms of the Rupert's Land Act, but I assumed that substantially it would be the same with the Manitoba Act, so far as my power of appointment was concerned. Judge Johnson with whom I conferred could not add to my information. Mr. Donald A. Smith, who was the Commissioner of the Government of Canada during the time the Act was applicable to the whole North West could give no particulars. Accordingly I did the best I could in the emergency and selected three Gentlemen for Councillors. . . . . .

[1] The ordinance relating to smallpox is given in this volume. That relating to spirituous liquors was reenacted March 8, 1873. It aimed to prevent the sale of spirituous liquors in the North West Territories.

Meanwhile about the 5th inst. my books arrived, and when I turn to the Rupert's Land Act.....I find that I have been all wrong and that I have been exercising functions belonging to the Governor General.....One lesson I shall learn from what has taken place, that is, never again, however great the apparent necessity, to assume to act under a statute on a mere vague recollection of its terms."

The appointment of the Council of Three had been ultra vires. The measures which had been taken to prevent the spread of smallpox had nevertheless been regarded as valid in the Territories and proved effective in limiting the area of contagion. The legislation to prevent the sale of spirituous liquors in the North West Territories was re-enacted by the Council of the North West Territories on Mar. 8, 1873. And the Councillors themselves, Messrs. Johnson, Smith and Breland, were, together with Lieutenant Governor Archibald, on Nov. 25, 1870, appointed Commissioners to administer oaths in the North West Territories.[1]

On Dec. 9, 1870, the Lieutenant-Governor submitted the names of the following as Councillors,—

Bishop of Rupert's Land,
Bishop of St. Boniface,
Hon. F. G. Johnson,
D. A. Smith,
Pascal Brelan(d),
Robt. Hamilton,
Jas. McKay,
A. Boyd,
K. McKenzie,
[2]Geo. d'Eschambault.[3]

On Nov. 23, 1871, the Lieutenant Governor sent another letter submitting additional names to the Secretary of State for the Provinces. This letter has disappeared, and the names of those recommended are no longer known. The *Canada Gazette* of April 20, 1872, simply added to the list of the Commissioners to administer oaths, the names of Gilbert McMicken and William Osborne Smith.

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[1] *Canada Gazette*, December 3, 1870.

[2] This letter bearing date of December 9, 1870 was Despatch No. 66, from the Lieut. Governor, Fort Garry. It was letter 556/870 on the files of the Secretary of State for the Provinces. It was received December 29. In 1873 it was transferred to the Department of the Interior. Only the names of the Councillors recommended are preserved in the Index. In the same way Letter 1010 of November 23, 1871 bearing recommendations of other names of Councillors has disappeared from the files.

[3] He was a Roman Catholic of St. Boniface, born in Quebec, 1806.

On Dec. 28, 1872, under the provisions of 34 Vict. ch. 13, sec. 3, a Council of eleven persons was appointed consisting of the following gentlemen[1],—

Marc Amable Girard,
Donald Alexander Smith,
Henry James Clarke,
Pascal Breland,
Alfred Boyd,
John Christian Schultz, M.D.,
Joseph Dubuc,
Andrew Graham Ballenden Bannatyne,
William Fraser,
Robert Hamilton,
William Joseph Christie.

Their function was to aid the Lieutenant-Governor in the administration of the affairs of the North West Territories with such powers as might be from time to time conferred upon them by Order-in-Council. Their appointment constitutes the beginning of formal government for the Territories.

On May 3, 1873, power was given to raise the maximum number of Councillors to twenty-two. On Oct. 22, 1873,[2] were appointed:—

Joseph Royal,
Pierre Delorme,
Walter Robert Bown.

And on Oct. 30, 1873,[3]

James McKay,
William Nassau Kennedy.

On Mar. 26, 1874, John H. McTavish was appointed in place of William J. Christie who had resigned. William Tait and Robert Cunningham also became Councillors on the same date. No further appointments were made prior to the inauguration of the new system of administration established by the North West Territories Act, 1875.

The Minutes of this North West Council which met at Fort Garry are herewith published for the first time. They have been preserved in a Minute Book in the Provincial Library of Manitoba. They cover twenty sessions held on the following dates,—

1873—Mar. 8, 10.
Sept. 4, 8, 11, 13.

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[1] *Canada Gazette*, January 4, 1873.
[2] " " November 15, 1873.
[3] " " April 11, 1874.

1874—Mar. 11, 12, 14, 16.
June 1, 2.
Dec. 3, 4, 7.
1875—Nov. 23, 24, 25, 29.
Dec. 14.

During the period covered by these Minutes, Hon. Alexander Morris was Lieutenant Governor.

THE MEMBERS OF THE COUNCIL.[1]

Hon. Adams George Archibald.—Born at Truro, N.S., May 18, 1814, Mr. Archibald received his education at Pictou Academy. In 1838 he was called to the Bar of Prince Edward Island, and a year later to that of Nova Scotia. He entered Parliament in 1851, and was Solicitor General of Nova Scotia, Aug. 14, 1856-Feb. 14, 1857, and Attorney General, Feb. 10, 1860-June 11, 1863. He attended the Charlottetown, Quebec and London Conferences. He was sworn of the Privy Council, July 1, 1867, and became Secretary of State for the Provinces. He was Lieutenant-Governor of Manitoba and the North West Territories May, 1870-May, 1873. During these years he laid the foundations of Provincial and Territorial institutions. He concluded Indian Treaties Nos. 1 and 2 with the Chippewa and Swampy Cree Indians. On June 24, 1873, he was appointed Judge in Equity of Nova Scotia. On July 1, 1873, he succeeded Hon. Joseph Howe as Lieutenant-Governor of Nova Scotia.

Hon. Francis Goodchall Johnson, Q.C.—See *Council of Assiniboia.*

Hon. Alexander Morris.—Born at Perth, Upper Canada, Mar. 17, 1826, he was the son of Hon. William Morris who served as Captain in the war of 1812, was member for Lanark in the Upper Canada Assembly, asserted claims of Church of Scotland to the Clergy Reserves, was member of Legislative Council, Receiver General and President of the Council, and died in 1858.

Alexander Morris was articled as student at law with Sir John A. Macdonald, was first graduate of Arts in McGill University and was called to the Bar in 1851. In 1861 he was elected to the Legislative Assembly for South Lanark. He advocated Confederation. He promoted the Macdonald-Brown

[1] In this list are included only the Lieutenant Governors and those who were actually appointed Councillors. It does not contain the names of those merely recommended for appointment.

coalition. In November, 1869, he became Minister of Inland Revenue. Three years later he resigned owing to ill-health. He was appointed Chief Justice of Manitoba where the only judicial tribunal had been the Quarterly Court of the District of Assiniboia. Two months later, during the absence on leave of Lieutenant-Governor Archibald he was appointed Administrator of the Province. On December 5, 1872, he succeeded him as Lieutenant-Governor of Manitoba and the North West Territories at a salary of $10,000. On its creation subsequently he became Lieutenant-Governor of Keewatin. He was also appointed, June 16, 1873, Chief Superintendent of Indian Affairs in the Manitoba Superintendency. As one of the special Commissioners he made Indian Treaties Nos. 3, 4, 5 and 6 and revised Nos. 1 and 2. He was the author of "Nova Britannia," "The Treaties of Canada with the Indians of Manitoba, the Northwest Territories and Keewatin." In January, 1876, he was appointed a Commissioner under 38 Vict. ch. 53, to deal with conflicting claims to lands of occupants in Manitoba.

Hon. Marc Amable Girard.—He was born at Varennes, P.Q., April 25, 1832. He studied at St. Hyacinthe College. He was called to be a notary of Lower Canada in Feb., 1844, and practised at Varennes till August, 1870. He was an unsuccessful candidate for Montarville in 1858, and for Hochelaga in 1862. In 1870 he went to Manitoba. On September 19, 1870, he was sworn in as member of the Lieutenant-Governor's Council and Provincial Treasurer. He was elected by acclamation to the Legislative Assembly for St. Boniface East. On December 13, 1871, he was called to the Senate and nominated senior member for the North West Council. On July 8, 1873, he was called upon to form a government in Manitoba. He held the portfolio of Provincial Secretary, and subsequently that of Minister of Agriculture. He was President of the St. Jean Baptiste Society, the Society of Colonization and the Selkirk Agricultural Society. He attended fifteen meetings of the Council of the North West. He died September 12, 1892.

Hon. Donald Alexander Smith.—He was born August 6, 1820, at Forres, Scotland. In 1838 he was sent to Labrador in the service of the Hudson's Bay Company. He became in turn Chief Trader under Governor Simpson and Chief Factor under Governor Dallas. In 1868 he became Chief Factor in charge of the Hudson's Bay Company's Montreal Department,

with headquarters at Montreal. In December, 1869, he was appointed special commissioner to enquire into the nature of the Red River trouble. As representative of the Company he was appointed Chief Civil Authority by Col. Wolseley, pending the arrival of Lieutenant Governor Hon. A. G. Archibald, and it was by him that the sovereignty of the Company was handed over to the latter. In October, 1870, he was appointed, with Hon. F. G. Johnson and Pascal Breland, a member of Lieutenant Governor Archibald's Executive Council of the North West Territories. In December, 1870, he was elected representative for Winnipeg and St. John, for the first Legislative Assembly of Manitoba. On March 2, 1871, he was elected member of the House of Commons for Selkirk. In 1871, he was appointed Chief Commissioner to assume control of the Hudson Bay Company's affairs in the North West. On November 7, 1885, he drove the last spike of the Canadian Pacific Railway at Craigellachie, B.C. In 1886, he received the Knighthood of the Order of St. Michael and St. George. In 1889 he was chosen Governor of the Hudson's Bay Company. In 1896 he succeeded Sir Charles Tupper as High Commissioner for Canada. In 1897 he was created Baron Strathcona and Mount Royal of Glencoe, Argyllshire, and Montreal, Canada. In the South African War he raised and equipped a troop from Western Canada. He attended six meetings of the Council.

Hon. Henry James Clarke, Q.C.—He was born in County Donegal, Ireland. He came to Red River shortly after the arrival of the Wolseley expedition. He was returned for St. Charles in the first Provincial Legislature of Manitoba, and became a member of the Executive Council and Attorney General. At the close of its first session the Legislature passed the unanimous resolution,—"That the best thanks of the House are justly due to the Honourable Attorney General Clarke for the valuable services rendered by him to this Province, for his unceasing labours during the first session of our Parliament." In his official capacity he prosecuted Fenian prisoners. In September, 1871, he represented Manitoba at the Immigration Conference at Ottawa. He became Premier of Manitoba. He was appointed legal adviser to the Council of the North West with a salary of $1,000. He attended five meetings. Mr. Clarke died September 13, 1889.

Hon. Pascal Breland.—A halfbreed, he was born in 1810, the son of Pierre Breland. His wife was a daughter of Cuthbert Grant, Warden of the Plains, and he succeeded to much of the influence of his father-in-law over the Metis. He was a member of the Committee formed in 1849 by Louis Riel, Sr., to secure free trade in furs. He was appointed magistrate of the White Horse Plain District on October 16, 1850; Petty Judge of the same November 27, 1851; census taker of the parish of St. Francis Xavier, in 1856; member of the Board of Works May 27, 1856. He was admitted Councillor of Assiniboia on September 19, 1857, and attended twenty-two meetings. He was appointed Petty Magistrate for the local court of the White Horse Plain District, November 5, 1861, and President of the White Horse Plain District Petty Court at a salary of £8, August 3, 1863. He lived in the Parish of St. Francis Xavier. With Solomon Hamlin he wintered, 1869-70, near the Qu'Appelle Lakes, and in the Spring they prevailed upon the Metis winterers not to join Riel at Fort Garry. He became a member of the Legislative Assembly of Manitoba and of Lieutenant-Governor Archibald's Executive Council for the North West Territories. He was present at seventeen meetings of the North West Council at Fort Garry. He attended the North West Council at Battleford and Regina in 1878-1887 as appointed member. He became a merchant at Cypress Hills.

Hon. Alfred Boyd.—He was a wealthy Englishman of Redwood Place, St. John's Parish, and had been resident in the country for several years carrying on commercial business. He was one of the 40 delegates that met in the Court House back of Fort Garry on January 25, 1870 to draft a Bill of Rights. In 1870 he and the Hon. M. A. Girard were called upon by the Lieutenant-Governor to assist in putting the law into operation in Manitoba, pending the elections for the Legislative Assembly, he as representative of the English, and his colleague of the French section of the community. Mr. Boyd was appointed Provincial Secretary in September 1870. In the first Provincial Legislature of Manitoba he was returned for St. Anlrew's North and became Minister of Public Works and Agriculture. He was present at seven meetings of the North west Council. He afterwards retired to England.

Hon. Joseph Dubuc.—He was born at Ste. Martine, P.Q., December 26, 1840. He was educated in Montreal and secured

his B.C.L. at McGill University in 1869. He was returned for Baie St. Paul to the first Legislative Assembly of Manitoba, December, 1870, and was member till 1878. He was called to the Manitoba Bar, 1871. He became editor of *Le Metis*. He was one of the two Commissioners appointed to investigate the right to the Hay Privilege claimed by the settlers on the Red and Assiniboine Rivers. In 1872 he became member of the Council of the North West Territories. In the same year he was appointed Superintendent of the Roman Catholic Section of the Board of Education for Manitoba. In 1874 he became legal adviser of the North West Council and Attorney General of Manitoba. He was Speaker of the Legislative Assembly 1875-1878. He was president of the St. Jean Baptiste Society of Manitoba for 1875, and of the Manitoba Colonization Society for 1877. In 1877 he was chosen as representative of St. Boniface College in the Council of the University of Manitoba. In 1878 he was elected by acclamation member for Provencher in the House of Commons. On November 13, 1879, he was appointed Puisne Judge of the Court of Queen's Bench for Manitoba. In 1903, he became Chief Justice of the Court of King's Bench. In 1912 he was knighted. He was present at nineteen meetings of the North West Council at Fort Garry.

Hon. Andrew Graham Ballenden Bannatyne.—Born in the Orkney Islands in 1829, he was the son of a Government Fishery Officer, at Stromness. Both his grandfather and great grandfather were Governors of districts in the service of the Hudson's Bay Company. Mr. Bannatyne himself, served at Norway House under Andrew McDermot. In 1851 he went into business for himself. He was appointed Petty Magistrate of the Middle District of Assiniboia on November 5, 1861; Petty Judge of the Third Section with a salary of £5 on April 11, 1862; Postmaster, November 25, 1862; President of the Petty Court, Middle District, with salary of £16 August 3, 1865. He attended for the first time as Councillor of Assiniboia, January 23, 1868, and in that capacity attended 12 meetings. He married a daughter of Andrew McDermot and was brother-in-law to Governor Mactavish. He was nominated PostmasterGeneral in the Second Provisional Government of February 9, 1870, and was Postmaster at Fort Garry and Inspector of Post Offices in Manitoba until 1874. In the election of 1873, he unsuccessfully contested Selkirk with Hon. D. A. Smith. On March 31, 1875, he succeeded Louis Riel as representative of Provencher on his expulsion from the

House of Commons. He attended nineteen meetings of the North West Council at Fort Garry. In religion he was a Presbyterian. He died May 18, 1889. (See *Council of Assiniboia.*)

Hon. John Christian Schultz.—He was born at Amherstburg, Essex County, Ontario, January 1840, of Scandinavian descent. He studied at Oberlin College, Ohio, and Queen's College, Kingston. He received the degree of M.D. in 1860. In Red River he purchased the *Nor'Wester* established by Buckingham and Coldwell and combined the practice of medicine and journalism. He opposed the Hudson's Bay Company and became the leader of the Canada party. He was made prisoner by Riel on December 7, 1869, but escaped January 23, 1870. In 1871 he was elected member for Lisgar in the House of Commons. He was appointed a member of the North West Council and attended nine meetings. He was chosen president of the Manitoba Board of Trade; member of the Dominion Board of Health for Manitoba and the North West Territories; director of the Manitoba Central Railway and the Manitoba North Western Railway; president of the North West Trading Company; and Governor of the Manitoba Medical Board. He favoured a prohibitory liquor law. In 1883 he became Senator. He was Lieutenant-Governor of Manitoba, July 1, 1888—September 2, 1895. He died in Mexico, 1896.

Hon. William Fraser.—He had been appointed on April 9, 1863, Road Superintendent of the Middle Section of Assiniboia, at a salary of £15. He became a Councillor of Assiniboia and attended for the first time on June 23, 1868. He was present at eleven meetings of the Council of Assiniboia, and at seventeen of the North West Council. He resided on the west side of the Red River, north of the parish of St. John's.

Hon. Robert Hamilton.—He became a Chief Factor of the Hudson's Bay Company in 1867. In 1872 he was made an Inspecting Chief Factor on the reorganization of the Company. He was married to a daughter of Chief Factor Robert Miles. He was present at eleven meetings of the North West Council. On his retirement he went to Brockville, Ontario.

William Joseph Christie.—Son of Alexander Christie, Chief Factor and twice Governor of Assiniboia. He was made Chief Factor of the Hudson's Bay Company at Fort

Edmonton in 1860. Later as Chief Factor he was in charge of the Saskatchewan District. Begg (History of the North West, Vol. 11, page 233) says that he travelled from Fort Simpson on the Mackenzie River to Fort Garry by dog train a distance of 2,000 miles in 55 days of actual travel to attend the first meeting of the Council. His name, however, does not appear on the lists of those present at any meeting in the minute book above referred to. He took part with Hon. Alex. Morris and Hon. David Laird in effecting a treaty with the plains Indians, Crees and Chippewas, about Qu'Appelle, September 15, 1874, and acted as Indian Commissioner to secure the adhesion of Cree, Saulteaux and Assiniboine Indians, and to negotiate Treaty No. 6.

Hon. James McKay.—He was born at Edmonton. He was Sir George Simpson's special voyageur over the old Crow Wing trail from St. Paul to Fort Garry. He became president of the White Horse Plain District Court in Assiniboia. As Councillor of Assiniboia he attended eight meetings of the Council beginning January 23, 1868. He was President of the Executive Council in the first Provincial Cabinet, Speaker of the first Legislative Council and later Minister of Agriculture of Manitoba. He assisted in negotiating Indian Treaties Nos. 1, 2, 3, 5, and 6. He attended twelve meetings of the North West Council. He was a halfbreed. Rev. James Taylor writes, "Jeemie McKay was proud of the fact that, always on the tenth day of their start from Crow Wing at the stroke of noon from the Fort Garry bell, he landed Sir George at the steps of the Chief Factor's House. Relays of horses enabled him to do this, rain or shine; and the slightest stoppage in muskeg or stream found McKay wading in to bring Sir George on his broad shoulders to dry land." In his *Saskatchewan and the Rocky Mountains,* (pp. 8, 9, *et passim*) the Earl of Southesk says,—

"James McKay accompanied us. His appearance greatly interested us, both from his own personal advantages and because he was the first Red River man that I had yet beheld. A Scotsman, though with Indian blood on the mother's side, he was born and bred in the Saskatchewan country, but afterwards became a resident near Fort Garry and entered the Company's employ. Whether as guide or hunter he was universally reckoned one of their best men. Immensely broad chested and muscular, though not tall, he weighed eighteen stone; yet

in spite of his stoutness he was exceedingly hardy and active and a wonderful horseman."

"His face, somewhat Assyrian in type, is very handsome, short, delicate, aquiline nose; piercing dark grey eyes; long dark brown hair, beard and moustache; white, small and regular teeth; skin tanned to red bronze from exposure to weather. He was dressed in Red River style,—a blue cloth 'capot' (hooded frockcoat) with brass buttons; red and black flannel shirt which served also for waistcoat; black belt round the waist, buff leather mocassins on his feet; trousers of brown and white striped home-made woollen stuff."

Hon. Lt.-Col. William Nassau Kennedy.—Born at Darlington, Ont., he came to Winnipeg with Lord Wolseley's expedition as a Lieutenant in the Ontario Rifles. In 1872 he was appointed Registrar of Deeds for Selkirk. In 1873 he was appointed to the North West Council. He was present at thirteen meetings of that body. In 1875 and 1876 he was Mayor of Winnipeg. He was Lieutenant-Colonel of the Winnipeg Field Battery. In 1883 he retired and assumed command of the 90th Winnipeg Rifles. He was one of the promoters of the Manitoba and North Western Railway and Vice President of the Manitoba and Hudson's Bay Railway Company. In the Egyptian campaign under Lord Wolseley he was paymaster of the Canadian Voyageurs. He contracted smallpox at Dongola and died on May 3, 1885, at Highgate Hospital London. His remains were accorded the honours of a military funeral. In appreciation of his services, Queen Victoria bestowed a pension of £50 per annum upon his widow, and £12 per annum on each of his children.

Hon. Dr. Walter Robert Bown.—He was born in Ontario and came to the Red River about 1866. In 1868 he purchased the *Nor'Wester* from Dr. Schultz. He attended eleven meetings of the North West Council. He was for several years private secretary to the Lieutenant-Governor of Manitoba and Keewatin. His name often appears wrongly as Bohn and Brown.

Hon. Joseph Royal.—He was born at Repentigny, P.Q., May 7, 1837. He was educated at St. Mary's College, Montreal. He devoted some of his early years to journalism. For some years he was assistant French translator to the Canadian Assembly. He was called to the Bar of Lower Canada in 1864, and of Manitoba in 1871. He established *Le Metis*, at Winnipeg. He was associated with Hon. J. A. Chapleau as a counsel

for the defence in the trials, Queen vs. Ambroise Lepine and Queen vs. Naud. In 1871 he was elected Speaker of the first Legislative Assembly of Manitoba, and was appointed Superintendent of Catholic Schools and member of the Board of Education. He subsequently became Provincial Secretary, Minister of Public Works and Attorney General of Manitoba. In 1873 he became member of the North West Council. He was regarded as leader of the Metis and French Canadians of Manitoba. He was Vice Chancellor of the University of Manitoba and Commissioner for the Consolidation of the Statutes of the Province. He was author of the School Law of Manitoba, 1873, of the system of registration of deeds, and the mode of collecting vital statistics. He represented the Province at Ottawa as delegate asking for better terms and the enlargement of the boundaries. He was Lieutenant-Governor of the North West Territories, July 1, 1888-October 31, 1893. He died August 23, 1902.

Hon. Pierre Delorme.—A Roman Catholic halfbreed, he was born at St. Boniface October 1, 1831. He was a representative for Pointe Coupée in Riel's Convention of December 21, 1869. On December 30, 1870, he was elected to represent South St. Norbert in the Legislative Assembly of Manitoba, and on March 2, 1871, Provencher in the House of Commons. He was a member of the Provincial Board of Education and became Minister of Agriculture for Manitoba in 1878. In December, 1873, he was nominated member of the North West Council and attended six meetings of that body. There is a description of Delorme in J. C. Hamilton's "The Prairie Province," ch. xiii.

Hon. John H. McTavish.—A grandson of Sir George Simpson, who had him educated at the Jesuit College, Montreal. He was born at Grafton, Ontario, on June 11, 1837, the son of Donald McTavish, and entered the Hudson's Bay Company's service in 1856. He became Chief Accountant for the Company at Fort Garry and lived in St. James. He was elected by acclamation for St. Anne in the first Legislative Assembly of Manitoba. In 1874 he became a member of the North West Council and was present at seven meetings. In the same year he attained the rank of Chief Factor. In 1881 he was appointed Chief Land Commissioner of the Canadian Pacific Railway. In religion he was a Roman Catholic.

Hon. William Tait.—He was a native of the Red River Settlement and was engaged in farming in the parish of Headingly. On March 11, 1863, he was appointed one of the Petty Magistrates for the White Horse Plain District. He was chosen in 1869, as representative of the English District of Headingly in the Convention of Twenty-four (12 English, 12 French). He was present at six meetings of the North West Council. In December, 1874, he unsuccessfully contested Headingly with John Taylor in the Provincial election.

Hon. Robert Cunningham.—On March 26, 1874, he was appointed a member of the Council but attended none of its sessions. In 1872 he had been elected to represent the electoral district of Marquette in the House of Commons.

THE WORK OF THE COUNCIL.

To Lieutenant-Governor Morris and the Councillors fell the work of laying the foundations of Territorial administration and legislation. During their short term of office they passed resolutions to prohibit, except under certain restrictions, the importation of spirituous liquors into the Territories; to make provision for the appointment of Justices of the Peace; to represent to the Dominion Government that the criminal laws of the Dominion should be extended to the Territories and that a Mounted Police force under military discipline should be established in the Territories. They expressed the opinion that the militia battalion of Manitoba should be so increased that an effective force should be available in the Territories. They proposed that treaties should be made with the Indians at Forts Carlton, Pitt and Qu'Appelle and that schools, agricultural implements, cattle and farm instructors should be provided. They urged that stipendiary magistrates should be appointed, resident in various portions of the Territory, clothed with powers to deal with certain classes of criminal offences and also with limited jurisdiction as regards civil cases, and that a resident Judge with Queen's Bench powers should be appointed to deal with graver matters, with an appeal in certain cases to the Court of Queen's Bench in the Province of Manitoba. They proposed that a monthly mail should be established between Fort Garry and Fort Edmonton. They asked that a reserve should be granted to the Norway House Indians and that measures should be adopted to collect customs in the Belly and Bow Rivers country. They passed laws for the appointment of coroners, for caring for orphan children, for regulating the

relations of masters and servants, for the prohibition of the importation of poisons into the Territories and of their use in hunting game. They asked that existing highways, portages and watering places in the Territories should be set apart for public use and that as soon as treaties with the Indians were completed, surveys should be made of the lands where settlements had taken place. They passed measures to regulate the buffalo hunt, and to prevent the spread of prairie and forest fires. They also passed Acts to authorize the building and maintenance of toll ferries in various parts of the Territories.

On November 23, 1875, Lieutenant Governor Morris addressed the Council with the following words,—

"The foundation has now been laid for peace, security, the advancement of the settlement of the vast region you have rule over, and for the securing of the goodwill of the Indian Tribes, and I can only express my confident trust that those who follow you will rear wisely and well a noble superstructure on the basis you have established."

In the debate on the first reading of the North West Territories Act, March 12, 1875, in the Dominion House of Commons, the Premier, Hon. Mr. Mackenzie, and others passed the North West Council in review.

Hon. Mr. Mackenzie said the North West Council could be increased to twenty-one members. Though several vacancies had occurred in it, the Government made no appointments. Everyone of these gentlemen was styled Honourable until Honourables became very plentiful in Manitoba. The Government found them a little Parliament acting for the North West, though they resided in the Province and some of them were never in the Territories. The Government had repeated demands from them during the last year for large sums of money. They made requisition once for $10,000 and actually cost the country during the last part of the year $3,000. It was evident that the Council would cost the country as much as a Government in the territory without being as efficient..... It seemed to be exceedingly desirable, at the earliest point of time, that there should be a firm Government established within the Territories and that the Governor should reside several hundred miles west of the present point of authority in order to exercise a proper influence for the maintenance of peace, or overlooking Indian affairs, and generally helping the Government to establish law and order throughout the Territories. The Government had ascertained from the most authentic

source, that within the last 18 months there were very nearly 150 murders committed in the North West Territories, and no person had been brought to trial. No doubt they were mostly slain in Indian fights with traders from Missouri and Montana.....It seemed very clear that there was an absolute necessity for the establishment of a firm Government within the boundaries of the Territories.

Mr. D. A. Smith said, at present the Council of the North West was probably not just exactly such a body as it ought to be. They were under the very great disadvantage of being far removed from such portions of the territory as were at all settled. The principal settlements were 500 or 600 miles from Manitoba, which was quite equal to 3,000 or 4,000 miles in this eastern country, because the means of communication were very bad. He felt that under the circumstances of that country it would be a great benefit to have a Governor and Council within the Territory.....His objection to the North West Council as at present constituted, was that many of its members knew nothing more of the country than gentlemen on the floor of this House who had simply heard of the North West as they had of other far distant countries. However, there were at least six of them who knew it intimately..... Those who formed the new Council should have an intimate local knowledge of the country and be connected with its interests.

Mr. J. C. Schultz said, he dissented from the view of the Honourable member for Kingston, that the Lieutenant Governor of Manitoba could efficiently administer the government of the Territories. That system had proved a failure and though he was a member of the Council, he must frankly admit that it was impossible for them under the circumstances to efficiently carry out the laws in the Territories. He believed with the member for South Bruce that we must have a strong government in that Territory. There was moral power in the cocked hat of the Governor, and in the coat of a policeman. Large powers should be given to the proposed new Council.

Sir John Macdonald (April 2nd, 1875) said, he would again impress upon the leader of the government the expediency, from an economical point of view, of governing the North West Territories from Fort Garry. A commission could be issued to the Lieutenant Governor of Manitoba to act, for the present, as Lieutenant Governor of the North West. He had plenty of time on his hands and there was no reason in the

world why he should not direct his attention to the government of the whole North West for the present. The objection of the Honourable Premier that the North West Council had proved a failure because none of its members resided west of Manitoba, was fully answered by the Honourable member for Selkirk, who stated that at least six of these gentlemen were scattered through the territory and knew all about it.

THE DOCUMENTS

Oliver Ell. ed

A. THE ROYAL CHARTER INCORPORATING THE HUDSON'S BAY COMPANY,[1] 1670.

(Text is given in printed form.)

THE ROYAL CHARTER for incorporating the HUDSON'S BAY COMPANY, granted by his Majesty King CHARLES the Second, in the 22d year of his reign, A.D. 1670. Preamble.

CHARLES THE SECOND, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c., To ALL to whom these presents shall come, greeting: WHEREAS our dear and entirely beloved Cousin, Prince Rupert, Count Palatine of the Rhine, Duke of Bavaria and Cumberland, &c.; Christopher Duke of Albemarle, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, and Sir Robert Vyner, Knights and Baronets; Sir Peter Colleton, Baronet;

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[1] Under the terms of this Charter the Company claimed and exercised dominion as absolute proprietors of the soil, and claimed the exclusive right of trading in the territories embraced in the terms of the grant. This charter was not granted by legislative authority but by prerogative of the Crown. For a discussion of its validity see the opinion of A. Piggott, R. Spankie, H. Brougham, London, January, 1816, quoted in Address to the House of Commons February 9, 1849 (Dominion Archives, P.F. 104, No. 3, p. 18). Instances where the rights of the Company received recognition are 6 Anne c. 7; 18 Geo. II, c. 17; 14 Geo. III c. 83; 43 Geo. III. c. 138; 1 and 2 Geo. IV, c. 66. The Canadian courts came to have a concurrent jurisdiction with the Company.

For a statement of the Rights as to Territory, Trade, Taxation and Government claimed and exercised by the Hudson's Bay Company on the Continent of North America, made by Sir J. H. Pelly, September 13, 1849. See Return to Address of the House of Commons, July 12, 1850 (Dominion Archives, P.F. 104.) See also Papers relative to the Hudson's Bay Company's charter and License to Trade. Presented to Parliament, April, 1859 (Dominion Archives, P.F. 105, No. 3).

The following is a brief resumé of the financial returns of the Company.

1684.—Payment of 50%
1688 " 50%
1689 " 25%
1690.—Stock trebled, and payment of 25% on newly created stock.
1692-94-96-97.—Loss and damage from French.
1720.—Stock trebled with only call of 10% on proprietors.
1690-1800—Dividends averaging 9% or profits of between 60 and 70% per annum of the originally subscribed capital stock.
1800-1821—Period of great rivalry.
1800-1806—Dividends, 4%
1807-1813—No dividends.
1813-1821—Dividends, 4%

Sir Edward Hungerford, Knight of the Bath; Sir Paul Neele, Knight; Sir John Griffith and Sir Philip Carteret, Knights; James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn, Esquires; and John Portman, Citizen and Goldsmith of London; have, at their own great cost and charges, undertaken an expedition for Hudson's Bay, in the north-west part of America, for the discovery of a new passage into the South Sea, and for the finding some trade for furs, minerals and other considerable commodities, and by such their undertaking have already made such discoveries as do encourage them to proceed further in pursuance of their said design, by means whereof there may probably arise very great advantage to us and our kingdom: AND WHEREAS the said Undertakers, for their further encouragement in the said design, have humbly besought us to incorporate them, and grant unto them and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands, countries and territories upon the coasts and confines of the seas, straits, bays, lakes, rivers, creeks and sounds aforesaid, which are not now actually possessed by any of our subjects, or by the subjects of any other Christian Prince or State: NOW KNOW YE, that we, being desirous to promote all endeavours tending to the public good of our people, and to encourage the said undertaking, HAVE, of our especial grace, certain knowledge and mere motion, given, granted, ratified and confirmed, and by these presents, for us, our heirs and successors, DO give, grant, ratify and confirm, unto our said Cousin, Prince Rupert, Christopher Duke of Albemarle, William Earl of Craven, Henry Lord Arlington, Anthony Lord Ashley, Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, Sir Edward Hungerford, Sir Paul Neele, Sir John Griffith and Sir Philip Carteret, James Hayes, John Kirke, Francis Millington, William Prettyman, John Fenn and John Portman, that they, and such others as shall be ad-

Grant of incorporation.

Names of original grantees.

mitted into the said society as is hereafter expressed, shall be one body corporate and politic, in deed and in name, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and them by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," one body corporate and politic, in deed and in name, really and fully for ever, for us, our heirs and successors, WE DO make, ordain, constitute, establish, confirm and declare by these presents, and that by the same name of Governor and Company of Adventurers of England trading into Hudson's Bay, they shall have perpetual succession, and that they and their successors, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," be, and at all times hereafter shall be, personable and capable in law to have, purchase, receive, possess, enjoy and retain lands, rents, privileges, liberties, jurisdictions, franchises and hereditaments, of what kind, nature or quality soever they be, to them and their successors; and also to give, grant, demise, alien, assign and dispose lands, tenements and hereditaments, and to do and execute all and singular other things by the same name that to them shall or may appertain to do; and that they and their successors, by the name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," may plead and be impleaded, answer and be answered, defend and be defended, in whatsoever courts and places, before whatsoever judges and justices, and other persons and officers, in all and singular actions, pleas, suits, quarrels, causes and demands whatsoever, of whatsoever kind, nature or sort, in such manner and form as any other our liege people of this our realm of England, being persons able and capable in law, may or can have, purchase, receive, possess, enjoy, retain, give, grant, demise, alien, assign, dispose, plead, defend and be defended, do, permit and execute; and that the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, may have a common seal to serve for

Body corporate to be styled "The Governor and Company of Adventurers of England trading into Hudson's Bay."

Rights and privileges, &c., of the Governor and Company.

Grant of a common seal.

all the causes and businesses of them and their successors, and that it shall and may be lawful to the said Governor and Company, and their successors, the same seal, from time to time, at their will and pleasure, to break, change, and to make anew or alter, as to them shall seem expedient: AND FURTHER WE WILL, and by these presents, for us, our heirs and successors, WE DO ordain, that there shall be from henceforth one of the same Company to be elected and appointed in such form as hereafter in these presents is expressed, which shall be called the Governor of the said Company; and that the said Governor and Company shall or may elect seven of their number, in such form as hereafter in these presents is expressed, which shall be called the Committee of the said Company, which Committee of seven, or any three of them, together with the Governor or Deputy Governor of the said Company for the time being, shall have the direction of the voyages of and for the said Company, and the provision of the shipping and merchandizes thereunto belonging, and also the sale of all merchandizes, goods and other things returned, in all or any the voyages or ships of or for the said Company, and the managing and handling of all other business, affairs and things belonging to the said Company: AND WE WILL, ordain and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that they the said Governor and Company, and their successors, shall from henceforth for ever be ruled, ordered and governed according to such manner and form as is hereafter in these presents expressed, and not otherwise; and that they shall have, hold, retain and enjoy the grants, liberties, privileges, jurisdictions and immunities only hereafter in these presents granted and expressed, and no other: And for the better execution of our will and grant in this behalf, WE HAVE ASSIGNED, nominated, constituted and made, and by these presents, for us, our heirs and successors, WE DO ASSIGN, nominate, constitute and make our said Cousin, PRINCE RUPERT, to be the first and present Governor of the said Company,

A Governor and Committee to be chosen.

Prince Rupert to be the first Governor.

and to continue in the said office from the date of these presents until the 10th November then next following, if he, the said Prince Rupert, shall so long live, and so until a new Governor be chosen by the said Company in form hereafter expressed: AND ALSO WE HAVE assigned, nominated and appointed, and by these presents, for us, our heirs and successors, WE DO assign, nominate and constitute, the said Sir John Robinson, Sir Robert Vyner, Sir Peter Colleton, James Hayes, John Kirke, Francis Millington and John Portman to be the seven first and present Committees of the said Company, from the date of these presents until the said 10th day of November then also next following, and so until new Committees shall be chosen in form hereafter expressed: AND FURTHER WE WILL and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that it shall and may be lawful to and for the said Governor and Company for the time being, or the greater part of them present at any public assembly, commonly called the Court General, to be holden for the said Company, the Governor of the said Company being always one, from time to time to elect, nominate and appoint one of the said Company to be Deputy to the said Governor, which Deputy shall take a corporal oath, before the Governor and three or more of the Committee of the said Company for the time being, well, truly and faithfully to execute his said office of Deputy to the Governor of the said Company, and after his oath so taken shall and may from time to time, in the absence of the said Governor, exercise and execute the office of Governor of the said Company, in such sort as the said Governor ought to do: AND FURTHER WE WILL and grant by these presents, for us, our heirs and successors, unto the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, that they, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, from time to time, and at all times hereafter, shall and may have authority and power, yearly and every year, between the first and last day

Names of the first Committee.

Power to elect a Deputy Governor.

Oaths to be administered to him.

Future Governors how elected.

of November, to assemble and meet together in some convenient place, to be appointed from time to time by the Governor, or in his absence by the Deputy of the said Governor for the time being, and that they being so assembled, it shall and may be lawful to and for the said Governor or Deputy of the said Governor, and the said Company for the time being, or the greater part of them which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate one of the said Company, which shall be Governor of the said Company for one whole year then next following, which person being so elected and nominated to be Governor of the said Company as is aforesaid, before he be admitted to the execution of the said office, shall take a corporal oath before the last Governor, being his predecessor or his Deputy, and any three or more of the Committee of the said Company for the time being, that he shall from time to time well and truly execute the office of Governor of the said Company in all things concerning the same; and that immediately after the same oath so taken, he shall and may execute and use the said office of Governor of the said Company for one whole year from thence next following: And in like sort we will and grant, that as well every one of the above-named to be of the said Company or Fellowship, as all others hereafter to be admitted or free of the said Company, shall take a corporal oath before the Governor of the said Company or his Deputy for the time being to such effect as by the said Governor and Company, or the greater part of them, in any public court to be held for the said Company, shall be in reasonable and legal manner set down and devised, before they shall be allowed or admitted to trade or traffic as a freeman of the said Company: AND FURTHER WE WILL and grant by these presents, for us, our heirs and successors, unto the said Governor and Company, and their successors, that the said Governor or Deputy Governor, and the rest of the said Company, and their successors for the time being, or the greater part of them, whereof the Governor or Deputy

Oath to be administered to them.

and to each member of the Company.

Annual election of a new Committee.

Governor from time to time to be one, shall and may from time to time, and at all times hereafter, have power and authority, yearly and every year, between the first and last day of November, to assemble and meet together in some convenient place, from time to time to be appointed by the said Governor of the said Company, or in his absence by his Deputy; and that they being so assembled, it shall and may be lawful to and for the said Governor or his Deputy, and the Company for the time being, or the greater part of them, which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate seven of the said Company, which shall be a Committee of the said Company for one whole year from then next ensuing, which persons being so elected and nominated to be a Committee of the said Company as aforesaid, before they be admitted to the execution of their office, shall take a corporal oath before the Governor or his Deputy, and any three or more of the said Committee of the said Company, being their last predecessors, that they and every of them shall well and faithfully perform their said office of Committees in all things concerning the same, and that immediately after the said oath so taken, they shall and may execute and use their said office of Committees of the said Company for one whole year from thence next following: AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GRANT unto the said Governor and Company, and their successors, that when and as often as it shall happen, the Governor or Deputy Governor of the said Company for the time being, at any time within one year after that he shall be nominated, elected and sworn to the office of the Governor of the said Company, as is aforesaid, to die or to be removed from the said office, which Governor or Deputy Governor not demeaning himself well in his said office, WE WILL to be removable at the pleasure of the rest of the said Company, or the greater part of them which shall be present at their public assemblies, commonly called their General

Oath to be administered to the Committee.

Vacancies in the office of Governor and Deputy Governor, how filled up.

Governor or Deputy Governor may be removed.

Courts holden for the said Company, that then and so often it shall and may be lawful to and for the residue of the said Company for the time being, or the greater part of them, within a convenient time after the death or removing of any such Governor or Deputy Governor, to assemble themselves in such convenient place as they shall think fit, for the election of the Governor or Deputy Governor of the said Company; and that the said Company, or the greater part of them, being then and there present, shall and may, then and there, before their departure from the said place, elect and nominate one other of the said Company to be Governor or Deputy Governor for the said Company, in the place and stead of him that so died or was removed; which person being so elected and nominated to the offic of Governor or Deputy Governor of the said Company, shall have and exercise the said office for and during the residue of the said vear, taking first a corporal oath, as is aforesaid, for the due execution thereof; and this to be done from time to time so often as the case shall so require: AND ALSO, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, that when and as often as it shall happen any person or persons of the Committee of the said Company for the time being, at any time within one year next after that they or any of them shall be nominated. elected and sworn to the office of Committee of the said Company as is aforesaid, to die or to be removed from the said office, which Committees not demeaning themselves well in their said office, we will to be removable at the pleasure of the said Governor and Company, or the greater part of them, whereof the Governor of the said Company for the time being or his Deputy to be one, that then and so often, it shall and may be lawful to and for the said Governor, and the rest of the Company for the time being, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, within convenient time after the death or removing of any of the said Committee, to assemble themselves in such convenient place as

and others elected.

Members of the Committee may be removed,

is or shall be usual and accustomed for the election of the Governor of the said Company, or where else the Governor of the said Company for the time being or his Deputy shall appoint: And that the said Governor and Company, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, being then and there present, shall and may, then and there, before their departure from the said place, elect and nominate one or more of the said Company to be of the Committee of the said Company in the place and stead of him or them that so died, or were or was so removed, which person or persons so nominated and elected to the office of Committee of the said Company shall have and exercise the said office for and during the residue of the said year, taking first a corporal oath, as is aforesaid, for the due execution thereof, and this to be done from time to time, so often as the case shall require: And to the end the said Governor and Company of Adventurers of England trading into Hudson's Bay may be encouraged to undertake and effectually to prosecute the said design, of our more especial grace, certain knowledge and mere motion, WE HAVE given, granted and confirmed, and by these presents, for us, our heirs and successors, DO give, grant and confirm, unto the said Governor and Company, and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lie within the entrance of the straits, commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts and confines of the seas, bays, lakes, rivers, creeks and sounds aforesaid, that are not already actually possessed by or granted to any of our subjects, or possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the seas, bays, inlets and rivers within the premises, and the fish therein taken, together with the royalty of the sea upon the coasts within the limits aforesaid, and all mines royal, as well discovered as not discovered, of gold, silver, gems and

and others elected.

Grant of the sole trade, lands, mines, minerals, fisheries, &c.

The territory to be reckoned one of His Majesty's

Plantations or Colonies in America, and called Rupert's Land; and the Governor and Company to be the Lords Proprietors of the same for ever.

precious stones, to be found or discovered within the territories, limits and places aforesaid, and that the said land be from henceforth reckoned and reputed as one of our plantations or colonies in America, called "Rupert's Land:" AND FURTHER, WE DO by these presents, for us, our heirs and successors, make, create and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the same territory, limits and places aforesaid, and of all other the premises, SAVING ALWAYS the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, TO HAVE, HOLD, possess and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties and appurtenances whatsoever, to them the said Governor and Company, and their successors for ever, TO BE HOLDEN of us, our heirs and successors, as of our manor of East Greenwich, in our county of Kent, in free and common soccage, and not in capite or by Knight's service; YIELDING AND PAYING yearly to us, our heirs and successors, for the same, two elks and two black beavers, whensoever and as often as we, our heirs and successors, shall happen to enter into the said countries, territories and regions hereby granted: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, to assemble themselves, for or about any the matters, causes, affairs or businesses of the said trade, in any place or places for the same convenient, within our dominions or elsewhere, and there to hold court for the said Company, and the affairs thereof; and that, also, it shall and may be lawful to and for them, and the greater part of them, being so assembled, and that shall then and there be present, in any such place or places, whereof the Governor or his Deputy for the time being to be

Governor and Company may assemble and make laws, ordinances, &c., for the good Government of their territory and the advancement of their trade.

one, to make, ordain and constitute such and so many reasonable laws, constitutions, orders and ordinances as to them, or the greater part of them, being then and there present, shall seem necessary and convenient for the good government of the said Company, and of all governors of colonies, forts and plantations, factors, masters, mariners and other officers employed or to be employed in any of the territories and lands aforesaid, and in any of their voyages; and for the better advancement and continuance of the said trade or traffic and plantations, and the same laws, constitutions, orders and ordinances so made, to put in use, and execute accordingly, and at their pleasure to revoke and alter the same or any of them, as the occasion shall require: And that the said Governor and Company, so often as they shall make, ordain or establish any such laws, constitutions, orders and ordinances in such form as aforesaid, shall and may lawfully impose, ordain, limit and provide such pains, penalties and punishments upon all offenders, contrary to such laws, constitutions, orders and ordinances, or any of them, as to the said Governor and Company for the time being, or the greater part of them, then and there being present, the said Governor or his Deputy being always one, shall seem necessary, requisite or convenient for the observation of the same laws, constitutions, orders and ordinances; and the same fines and amerciaments shall and may, by their officers and servants from time to time to be appointed for that purpose, levy, take and have, to the use of the said Governor and Company, and their successors, without the impediment of us, our heirs or successors, or of any the officers or ministers of us, our heirs or successors, and without any account therefore to us, our heirs or successors, to be made: All and singular which laws, constitutions, orders and ordinances, so as aforesaid to be made, WE WILL to be duly observed and kept under the pains and penalties therein to be contained; so always as the said laws, constitutions, orders and ordinances, fines and amerciaments, be reasonable, and not contrary or repugnant, but as near as may be agreeable to the

and may impose penalties and punishments, provided the same are reasonably and not repugnant to the laws of England

Further grant of trade.

laws, statutes or customs of this our realm: AND FURTHERMORE, of our ample and abundant grace, certain knowledge and mere motion, WE HAVE granted, and by these presents, for us, our heirs and successors, DO grant unto the said Governor and Company, and their successors, that they and their successors, and their factors, servants and agents, for them and on their behalf, and not otherwise, shall for ever hereafter have, use and enjoy, not only the whole, entire and only trade and traffic, and the whole, entire and only liberty, use and privilege of trading and trafficking to and from the territory, limits and places aforesaid; but also the whole and entire trade and traffic to and from all havens, bays, creeks, rivers, lakes and seas, into which they shall find entrance or passage by water or land out of the territories, limits or places aforesaid; and to and with all the natives and people inhabiting, or which shall inhabit within the territories, limits and places aforesaid; and to and with all other nations inhabiting any the coasts adjacent to the said territories, limits and places which are not already possessed as aforesaid, or whereof the sole liberty or privilege of trade and traffic is not granted to any other of our subjects: AND WE, of our further royal favour, and of our more especial grace, certain knowledge and mere motion, HAVE granted, and by these presents, for us, our heirs and successors, DO grant to the said Governor and Company, and to their successors, that neither the said territories, limits and places, hereby granted as aforesaid, nor any part thereof, nor the islands, havens, ports, cities, towns or places thereof or therein contained, shall be visited, frequented or haunted by any of the subjects of us, our heirs or successors, contrary to the true meaning of these presents, and by virtue of our prerogative royal, which we will not have in that behalf argued or brought into question: WE STRAITLY charge, command and prohibit, for us, our heirs and successors, all the subjects of us, our heirs and successors, of what degree or quality soever they be, that none of them, directly or indirectly, do visit, haunt, frequent or trade, traffic or adventure,

And no subjects of His Majesty to trade within the Company's territories without leave from the Company, in writing, under their common seal.

by way of merchandize, into or from any of the said territories, limits or places hereby granted, or any or either of them, other than the said Governor and Company, and such particular persons as now be or hereafter shall be of that Company, their agents, factors and assigns, unless it be by the license and agreement of the said Governor and Company in writing first had and obtained, under their common seal, to be granted, upon pain that every such person or persons that shall trade or traffic into or from any of the countries, territories or limits aforesaid, other than the said Governor and Company and their successors, shall incur our indignation, and the forfeiture and the loss of the goods, merchandizes and other things whatsoever, which so shall be brought into this realm of England, or any the dominions of the same, contrary to our said prohibition, or the purport or true meaning of these presents, for which the said Governor and Company shall find, take and seize in other places out of our dominions, where the said Company, their agents, factors or ministers shall trade, traffic or inhabit by virtue of these our letters patent, as also the ship and ships, with the furniture thereof, wherein such goods, merchandizes and other things shall be brought and found; the one-half of all the said forfeitures to be to us, our heirs and successors, and the other half thereof WE DO by these presents clearly and wholly, for us, our heirs and successors, give and grant unto the said Governor and Company, and their successors: AND FURTHER, all and every the said offenders, for their said contempt, to suffer such other punishment as to us, our heirs and successors, for so high a contempt, shall seem meet and convenient, and not to be in anywise delivered until they and every of them shall become bound unto the said Governor for the time being in the sum of One thousand pounds at the least, at no time then after to trade or traffic into any of the said places, seas, straits, bays, ports, havens or territories aforesaid, contrary to our express commandment in that behalf set down and published: AND FURTHER, of our more especial grace, WE HAVE condescended and granted, and by

Under penalty of forfeiting all goods, &c., brought from thence into England.

One-half to go to the King, the other to the Company.

Nor will liberty of such trade

be given by His Majesty to any person without consent of the Company.

these presents, for us, our heirs and successors, DO grant unto the said Governor and Company, and their successors, that we, our heirs, and successors, will not grant liberty, license or power to any person or persons whatsoever, contrary to the tenor of these our letters patent, to trade, traffic or inhabit, unto or upon any the territories, limits or places afore specified, contrary to the true meaning of these presents, without the consent of the said Governor and Company, or the most part of them: AND, of our more abundant grace and favour to the said Governor and Company, WE DO hereby declare our will and pleasure to be, that if it shall so happen that any of the persons free or to be free of the said Company of Adventurers of England trading into Hudson's Bay, who shall, before the going forth of any ship or ships appointed for a VOYAGE or otherwise, promise or agree, by writing under his or their hands, to adventure any sum or sums of money towards the furnishing any provision, or maintenance of any voyage or voyages, set forth, or to be set forth, or intended or meant to be set forth, by the said Governor and Company, or the more part of them present at any public assembly, commonly called their General Court, shall not within the space of twenty days next after warning given to him or them by the said Governor or Company, or their known officer or minister, bring in and deliver to the Treasurer or Treasurers appointed for the Company, such sums of money as shall have been expressed and set down in writing by the said person or persons, subscribed with the name of said Adventurer or Adventurers, that then and at all times after it shall and may be lawful to and for the said Governor and Company, or the more part of them present, whereof the said Governor or his Deputy to be one, at any of their General Courts or General Assemblies, to remove and disfranchise him or them, and every such person and persons at their wills and pleasures, and he or they so removed and disfranchised not to be permitted to trade into the countries, territories and limits aforesaid, or any part thereof, nor to have any adventure or stock going or remain-

Persons free of the Company, failing to pay the sums respectively engaged to be furnished by them in the adventure of the Company, may be removed and disfranchised.

ing with or amongst the said Company, without the special license of the said Governor and Company, or the more part of them present at any General Court, first had and obtained in that behalf, any thing before in these presents to the contrary thereof in anywise notwithstanding: AND OUR WILL AND PLEASURE IS, and hereby we do also ordain, that it shall and may be lawful to and for the said Governor and Company, or the greater part of them, whereof the Governor for the time being or his Deputy to be one, to admit into and to be of the said Company all such servants or factors, of or for the said Company, and all such others as to them or the most part of them present, at any court held for the said Company, the Governor or his Deputy being one, shall be thought fit and agreeable with the orders and ordinances made and to be made for the government of the said Company: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, that it shall and may be lawful in all elections and bye-laws to be made by the General Court of the Adventurers of the said Company, that every person shall have a number of votes according to his stock, that is to say, for every hundred pounds by him subscribed or brought into the present stock, one vote, and that any of those that have subscribed less than One hundred pounds may join their respective sums to make up One hundred pounds, and have one vote jointly for the same, and not otherwise: AND FURTHER, of our especial grace, certain knowledge and mere motion, WE DO, for us, our heirs and successors, grant to and with the said Governor and Company of Adventurers of England trading into Hudson's Bay, that all lands, islands, territories, plantations, forts, fortifications, factories or colonies, where the said Company's factories and trade are or shall be, within any the ports or places afore limited, shall be immediately and from henceforth under the power and command of the said Governor and Company, their successors and assigns; SAVING the faith and allegiance due to be performed to us,

What persons may be admitted into the Company.

Votes to be regulated by quantity of stock.

All lands, &c., aforesaid, to be under the government of said Company, who may appoint Governors and other officers to preside within their territories, and judge in all causes, civil and criminal, according

to the laws of England;

our heirs and successors as aforesaid; and that the said Governor and Company shall have liberty, full power and authority to appoint and establish Governors and all other officers to govern them, and that the Governor and his Council of the several and respective places where the said Company shall have plantations, forts, factories, colonies or places of trade within any the countries, lands or territories hereby granted, may have power to judge all persons belonging to the said Governor and Company, or that shall live under them, in all causes, whether civil or criminal, according to the laws of this kingdom, and to execute justice accordingly; and in case any crime or misdemeanor shall be committed in any of the said Company's plantations, forts, factories or places of trade within the limits aforesaid, where judicature cannot be executed for want of a Governor and Council there, then in such case it shall and may be lawful for the chief Factor of that place and his Council to transmit the party, together with the offence, to such other plantation, factory or fort where there shall be a Governor and Council, where justice may be executed, or into this kingdom of England, as shall be thought most convenient, there to receive such punishment as the nature of his offence shall deserve: AND MOREOVER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO GIVE and grant unto the said Governor and Company, and their successors, free liberty and license, in case they conceive it necessary, to send either ships of war, men or ammunition, unto any their plantations, forts, factories or places of trade aforesaid, for the security and defence of the same, and to choose commanders and officers over them, and to give them power and authority, by commission under their common seal, or otherwise, to continue or make peace or war with any prince or people whatsoever, that are not Christians, in any places where the said Company shall have any plantations, forts or factories, or adjacent thereunto, as shall be most for the advantage and benefit of the said Governor and Company, and of their trade; and also to right and recompense themselves upon

or criminals may be sent to England for trial.

The Governor may employ for the protection of their trade and territory, armed force, appoint commanders, erect forts, &c.

the goods, estates or people of those parts, by whom the said Governor and Company shall sustain any injury, loss or damage, or upon any other people whatsoever that shall any way, contrary to the intent of these presents, interrupt, wrong or injure them in their said trade, within the said places, territories, and limits granted by this Charter: And that it shall and may be lawful to and for the said Governor and Company, and their successors, from time to time, and at all times from henceforth, to erect and build such castles, fortifications, forts, garrisons, colonies or plantations, towns or villages, in any parts or places within the limits and bounds granted before in these presents unto the said Governor and Company, as they in their discretion shall think fit and requisite, and for the supply of such as shall be needful and convenient, to keep and be in the same, to send out of this kingdom, to the said castles, forts, fortifications, garrisons, colonies, plantations, towns or villages, all kinds of clothing, provision of victuals, ammunition and implements necessary for such purpose, paying the duties and customs for the same, as also to transport and carry over such number of men, being willing thereunto, or not prohibited, as they shall think fit, and also to govern them in such legal and reasonable manner as the said Governor and Company shall think best, and to inflict punishment for misdemeanors, or impose such fines upon them for breach of their orders, as in these presents are formerly expressed: AND FURTHER, our will and pleasure is, and by these presents, for us, our heirs and successors, WE DO grant unto the said Governor and Company, and to their successors, full power and lawful authority to seize upon the persons of all such English, or any other our subjects which shall sail into Hudson's Bay, or inhabit in any of the countries, islands or territories hereby granted to the said Governor and Company, without their leave and license in that behalf first had and obtained, or that shall contemn or disobey their orders, and send them to England; and that all and every person or persons, being our subjects, any ways employed by the said Governor

Authority given to the Governor and Company to seize any of His Majesty's subjects who (without leave of the Company) trade in their territory, and may send them to England

and Company, within any the parts, places and limits aforesaid, shall be liable unto and suffer such punishment for any offences by them committed in the parts aforesaid, as the President and Council for the said Governor and Company there shall think fit, and the merit of the offence shall require, as aforesaid; and in case any person or persons being convicted and sentenced by the President and Council of the said Governor and Company, in the countries, lands or limits aforesaid, their factors or agents there, for any offence by them done, shall appeal from the same, that then and in such case it shall and may be lawful to and for the said President and Council, factors or agents, to seize upon him or them, and to carry him or them home prisoners into England, to the said Governor and Company, there to receive such condign punishment as his cause shall require, and the law of this nation allow of; and for the better discovery of abuses and injuries to be done unto the said Governor and Company, or their successors, by any servant by them to be employed in the said voyages and plantations, it shall and may be lawful to and for the said Governor and Company, and their respective President, Chief Agent or Governor in the parts aforesaid, to examine upon oath all factors, masters, pursers, supercargoes, commanders of castles, forts, fortifications, plantations or colonies, or other persons, touching or concerning any matter or thing in which by law or usage an oath may be administered, so as the said oath, and the matter therein contained, be not repugnant, but agreeable to the laws of this realm: AND WE DO hereby straitly charge and command all and singular our Admirals, Vice-Admirals, Justices, Mayors, Sheriffs, Constables, Bailiffs, and all and singular other our officers, ministers, liege men and subjects whatsoever, to be aiding, favouring, helping and assisting to the said Governor and Company, and to their successors, and to their deputies, officers, factors, servants, assigns and ministers, and every of them, in executing and enjoying the premises, as well on land as on sea, from time to time, when any of you shall thereunto be required;

The Governor and Company may authorize their Presidents, Agents and others to administer oaths in certain cases.

All Admirals and others His Majesty's officers and subjects, to be aiding and assisting in the execution of the powers, &c., granted by this charter.

ANY STATUTE, act, ordinance, proviso, proclamation or restraint heretofore had, made, set forth, ordained or provided, or any other matter, cause or thing whatsoever to the contrary in anywise notwithstanding. IN WITNESS WHEREOF we have caused these our Letters to be made Patent. WITNESS OURSELF at Westminster, the second day of May, in the two-and-twentieth year of our reign.

By Writ of Privy Seal.

Pigott.

B. THE DISTRICT OF ASSINIBOIA.

The Selkirk Period.

Grant of the District of Assiniboia by the Hudson's Bay Company to Lord Selkirk.[1]

This Indenture made the twelfth day of June in the fifty-first year of the Reign of Our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King Defender of the Faith, and in the year of Our Lord one thousand eight hundred and eleven.

Between the Governor and Company of Adventurers of England trading into Hudson's Bay of the one part and the Right Honorable Thomas Earl of Selkirk of the other part.

Whereas the said Governor and Company are seized to them and their successors in fee simple as absolute Lords and Proprietors of all the Lands and Territories situate upon the Coasts and Confines of the Seas, Streights, Bays, Lakes, Rivers, Creeks and Sounds within the entrance of the Streights commonly called Hudson's Streights in the North West parts of America and which Lands and Territories are reputed as one of the Plantations or Colonies belonging or annexed to the United Kingdom of Great Britain and Ireland and are called Ruperts Land.

And whereas the said Governor and Company have for divers good and valuable causes and considerations them there-

[1] This deed is the first document found in Register Book A of the District of Assiniboia. It is followed by a certificate that peaceable possession of the district was delivered by William Hillier, one of the Company's attornies to Miles Macdonell, Selkirk's Agent, on September 4, 1812, signed by Jno. McLeod and Rod. McKenzie; by an affidavit of execution signed and sworn at the Mansion House, London, before John Atkins, Mayor, April 23, 1819; by a certificate of affidavit signed same date by John Atkins, Mayor; by a certificate signed same date by William Duff, a notary that Alex. Mundell was duly sworn before John Atkins, who duly subscribed the affidavit, and who was truly and actually Lord Mayor of the City of London, and that the maps, plans, copies were true and faithful copies; and by a certificate signed by Thomas Aspinwall, United States Consul, that John Atkins was Lord Mayor of London and William Duff a Notary Public, April 24, 1819.

Miles Macdonell carried a copy of the Ossiniboia Grant to Red River with him together with Instructions as to the mode of taking Livery of Seisin. In 1815, Selkirk wrote that it ought to have been sent home with that record on it. He desired a correct copy to be taken and the original sent to Montreal to Auldjo and Maitland.

unto moving agreed to convey and assure a certain Tract or Parcel of the said Lands and Territories hereinafter described unto and to the use of the said Earl of Selkirk, his heirs and assigns under and subject to certain conditions hereinafter expressed and contained.

Now therefore this Indenture witnesseth that in pursuance of such agreement and in consideration of the sum of ten shillings of lawful money of Great Britain to the said Governor and Company well and truly paid by the said Earl of Selkirk at or before the execution of these presents (the receipt whereof is hereby acknowledged) and for divers good and other valuable causes and considerations them the said Governor and Company have given, granted, aliened, enfeoffed and confirmed and by these presents, do give, grant, alien, enfeoff and confirm unto the said Earl of Selkirk, his heirs and assigns, all that Tract of Land or Territory being within and forming part of the aforesaid Lands and Territories of the said Governor and Company bounded by an imaginary line running as follows (that is to say) beginning on the western shore of Lake Winnipie, otherwise Winnipeg, at a point in fifty-two degrees and thirty minutes north latitude and thence running due west to the Lake Winnepigoos, otherwise called Little Winnipeg, then in a southerly direction through the said Lake so as to strike its western shore in latitude fifty-two degrees, then due west to the place where the parallel of fifty-two degrees north latitude intersects the western branch of Red River, otherwise called Assiniboine River, then due south from that point of intersection to the Height of Land which separates the waters running into Hudson's Bay from those of the Missouri and Mississippi, then in an easterly direction along the said Height of Land to the source of the River Winnipie or Winnipeg (meaning by such last named River, the Principal Branch of the waters which unite in Lake Saginagas), then along the main stream of the waters and the middle of the several Lakes through which they flow to the mouth of the Winnipie River and thence in a northerly direction through the middle of Lake Winnipie to the place of beginning.

As the said Tract or Parcel of Land hereby granted or intended so to be is more particularly described and distinguished, and the boundary thereof marked out in the map or plan annexed to these presents, in which plan the lands hereby intended to be granted are coloured red.

Together with all mines, minerals and metals and delfs and quarries of stone and lime already discovered or hereafter to be discovered within the limits of the land hereby granted and enfeoffed or otherwise assured or expressed and intended so to be.

And also all and singular, houses, edifices, buildings, forests, woods, springs, woodlands ,and underwoods and the ground and soil thereof respectively. Trees, timber and timber like trees, quays, wharfs, landings and landing places, lakes, ponds, rivers, pools, dams and streams of water, fishings and fishing places and rights of fishery, moats, moors, marshes, wastes, waste grounds, commons, common of pasture and common of turbary, furzes, heaths, mounds, hedges, fences, ditches, roads, feus, feu-grounds, ways, paths, passages, easements, waters, water-courses and all and singular other the rights, franchises, liberties, customs, profits, commodities, emoluments, benefits, advantages, members, hereditaments and appurtenances whatsoever to all and singular the said lands and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be, or any part or parcel thereof belonging or in anywise appertaining to or with the same held used possessed or enjoyed or accepted, reputed, adjudged, esteemed, deemed, taken or known as part parcel or member thereof, or of any part thereof or as appurtenant thereunto and the reversion and reversions, remainder and remainders yearly and other profits of the said land, hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be, or any part or parcel thereof and all the estate, right, title, interest, use, trust, inheritance, property, possession, benefit, claim, and demand whatsoever at law and in equity or otherwise howsoever of them the said Governor and Company of in to or out of the land, hereditaments, and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same. Saving and reserving nevertheless to the said Governor and Company and their successors all rights of jurisdiction whatsoever granted to said Company by their Charter.

To have and to hold the land and hereditaments and all and singular other the premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be, and every part and parcel of the same unto the said Earl of Selkirk, his heirs and assigns for ever.

As to for and concerning such an extent or quantity or such separate extents or quantities of the Tract or Territory

of Land hereby granted and enfeoffed shall in the whole amount be equal to one tenth part of the said Tract or Territory and which one tenth shall be set out by the said Earl of Selkirk, his heirs or assigns before or within the space of three years after the said Governor and Company or their successors shall by some writing under the hand of the Governor of the said Company for the time being require the said Earl of Selkirk, his heirs or assigns to make such division or setting out to the use of such person or persons being or having been in the service or employ of the said Governor and Company for a term not less than three years immediately preceding the date and execution of any direction or appointment to be made by the said Governor and Company and their successors under this present power, in such parts, shares, and portions and for such estates and interests as the said Governor and Company and their successors shall from time to time by any writing to be sealed with the common seal of the said Company direct or appoint.

Nevertheless, so that no person taking under any such direction or appointment and being under the Rank or Degree of Master of a Trading Post, shall be or become entitled to any greater part share or proportion than two hundred acres, nor any person of the Rank or Degree of Master of a Trading Post any greater part share or proportion than one thousand acres.

And also, so that every use estate or interest which shall be created under or by virtue of any direction or appointment to be made by the said Governor and Company and their successors in pursuance of the aforesaid power be made and rendered subject to a condition to be void if the person or persons or his, her or their assigns shall not be or become a settler or settlers upon the land hereby directed or appointed or if he, she or they or his, her or their assigns shall neglect or fail to cultivate and continue the cultivation of the same land and in the mean time and until such direction or appointment shall be made and so far as any such direction or appointment shall not extend.

To the use of the said Earl of Selkirk, his heirs and assigns for ever and to and for no other use, intent or purpose whatsoever.

And as to all the remaining part or parts, portion or portions of the said Tract or Territory. To the use of the said Earl of Selkirk, his heirs and assigns for ever.

Nevertheless, upon under and subject to the conditions hereinafter mentioned expressed and declared of and concerning the same.

And to the intent that these presents may be rendered a complete and effectual assurance. The said Governor and Company have made, ordained, constituted and appointed and by this present Deed or Instrument under their common seal —Do make, ordain, constitute and appoint William Auld, Thomas Thomas, William Sinclair, William Hillier, James Swain, Donald Sutherland, Hugh Heney, John Stitt, John McKay, and Archibald Mason, all servants of the said Governor and Company jointly and each and every of them separately their true and lawful attornies and attorney, for them the said Governor and Company and in their name, place and stead to enter into and upon the land, hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be, or into or upon any part or parcel of the same in the name of the whole, wholly, and quiet and peaceable possession and seizin of the said land, hereditaments and premises and of every or any part thereof, in the name of the whole, for and in the name of the said Governor and Company, to have and take and after such entry made and possession and seizein so had and taken as aforesaid to deliver quiet and peaceable possession and seizein thereof and of every part thereof unto Miles McDonald, Esquire, Kelly Clerk, Abel Edwards, Surgeon, Kenneth MacRae and William Tomison, Gentlemen, whom the said Earl of Selkirk hath made, ordained, constituted and appointed, and by these presents doth make, ordain, constitute and appoint jointly and separately his true and lawful attornies and attorney for and in his name place and stead to take and receive the same, to be had and held according to the tenor form and effect of these presents.

And the said Governor and Company, and the said Earl of Selkirk do hereby respectively ratify, confirm and allow to be sufficiently available all and whatsoever their said attorneys respectively shall lawfully do in the premises by virtue of these presents. Provided always, and it is hereby agreed and declared between and by the parties hereto, and the presents are upon this express condition. That if the said Thomas Earl of Selkirk, his heirs or assigns shall not within the space of ten years to be computed from the date of these presents settle or establish upon the tract of ground hereby expressed to

be granted—One thousand families, each of them consisting of one married couple at the least, according to the true intent and meaning of these presents.

And if the said Governor and Company shall by notice in writing to be given to the said Thomas Earl of Selkirk, his heirs or assigns or left at his or their dwelling or usual place of abode require him or them to establish and settle such a number of families on the premises as will make up one thousand families on the same.

And the said Thomas Earl of Selkirk, his heirs or assigns shall during the space of three years next after such notice shall be given or left as aforesaid neglect to settle or make up the said number of families—then and in that case it shall be lawful for the said Governor and Company by Deed under their common seal to revoke the grant hereinbefore expressed and contained, and to enter upon the premises hereby granted of his or their former estate—but subject and without prejudice to such grant as shall have been previously made by the said Earl, his heirs or assigns to or in favour of any person or persons, so as upon the land comprized in any such grant there be actual settlers to the amount of one family for every five thousand acres.

And also upon this further express condition that the said Earl of Selkirk, his heirs or assigns or any other person or persons deriving title by from through or under him, them or any of them shall not nor will at any time or times hereafter, in or by any direct or indirect mediate or immediate manner, ways or means, infringe or violate, or set about or attempt to infringe, or violate, or aid, assist or abet, or set about, or attempt to aid, assist or abet or supply with spirituous liquors —trading goods—provisions or other necessaries any person or persons whomsoever corporate or incorporate, or any Prince, Power, Potentate, or State whatsoever, who shall infringe or violate, or who shall set about, or attempt to infringe or violate the exclusive rights, power, privileges, and immunities of commerce, trade and traffick, or all or any other of the exclusive rights, powers, privileges and immunities of or belonging or in any wise appertaining to or held, used or enjoyed by the said Governor and Company and their successors and particularly such rights, powers, privileges and immunities as they are entitled to under or by virtue of or which were given and granted or intended to be given and granted to them and their successors by the Charter of His late Majesty King Charles the Second, bearing date on or about the second day of May,

in the year one thousand six hundred and sixty-nine—save and except such rights, powers, privileges, immunities and franchises as are incident to the land hereditaments and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be, or any part or parcel of the same and which are hereby intended to pass by and with the same without the license or consent in writing of the Governor of the said Company and their successors for the time being for that purpose first had and obtained.

And also, that he, the said Earl of Selkirk, his heirs or assigns or any person deriving title by, from, through, or under him, them, or any of them—shall not in any manner without such license or consent as aforesaid carry on or establish or attempt to carry on or establish in any posts of North America, any trade or traffick, in or relating to any kind of furs or peltry or in any manner directly or indirectly aid or abet any person or persons in carrying on such trade or traffic or in any manner otherwise than as hereinafter mentioned, navigate or traffic or assist in navigating or trafficking upon or within any of the seas or waters within Hudson's Streights aforesaid, or unlawfully enter into or trespass upon any part of the land or territories belonging to the said Governor and Company and their successors in or at Ruperts Land aforesaid, not hereby granted and enfeoffed or otherwise assured or expressed and intended so to be.

Nevertheless it is agreed that no act of entry shall be deemed construed or taken to be an act of trespass within the meaning of this condition unless committed after some special notice or prohibition in writing, shall be or have been given by the said Governor and Company or their successors or some person or persons duly authorized by them unto the person or persons who from time to time shall be, or be alleged to be guilty of such trespass.

Provided also, and it is hereby further declared and agreed by and between the parties hereto, and the presents are upon this further condition that it shall and may be lawful to and for the said Governor and Company and their successors at any time or times except in respect to such of the land hereby granted and enfeoffed or otherwise assured or expressed and intended to be, as shall have been put by the said Earl, his heirs or assigns into a state of actual cultivation or settlement to form or make within the said tract of land hereby granted any post or place, posts or places of establishment or com-

munication for traffick, trade or commerce with the native Indians and for such purpose to and for the said Governor and Company and their successors to use, occupy and enjoy such post or place, posts or places, and in like manner to use, occupy and enjoy all and every post and place or posts and places already formed or made with free liberty of ingress, egress and regress to and for the said Governor and Company and their successors and their servants or agents with or without horses, carts, carriages, boats, vessels and other usual or customary vehicles of conveyance to go to and from the said posts and places in over or upon all and every or any of the roads, ways, rivers and canals which now do or which shall or may from time to time lead to or from the said posts or places doing as little damage as may be to the other part of the land hereby granted and enfeoffed and allowing reasonable compensation for the damage which shall be so done.

Provided also, and it is hereby further declared and agreed between and by the parties to these presents that the several conditions herein before contained shall not be construed and taken to be entire conditions, so that a dispensation or waver of any part branch or member either pro-tempore or otherwise shall operate as a waver or dispensation of every part of such condition, it being the true intent and meaning of the said parties to these presents that the same conditions may be dispensed with, in part either pro-tempore or otherwise and yet continue in force and being as to every other part branch or member thereof, not within the express letter of such dispensation any rule of law to the contrary in any wise notwithstanding.

And it is also declared and agreed between and by the parties to these presents, and the said Governor and Company for themselves and their successors hereby grant, that in case the said Earl of Selkirk, his heirs or assigns shall alien or otherwise dispose of the land, hereditaments and premises hereby granted and enfeoffed, or otherwise assured or expressed and intended so to be, in separate parcels or divisions, such division or parcel shall so far as concerns any condition herein contained, be and shall be deemed, construed and taken to be held distinct, separate and apart from the other or others of the said divisions or parcels, and the estate and interest of the owner and proprietor, owners and proprietors of any one or more division or parcel, divisions or parcels shall not be or be liable to be defeated or destroyed by any act of forfeiture

or breach of condition which shall be made, done or committed by the owner or proprietor, owners or proprietors of any other division or parcel, divisions or parcels, but shall and may notwithstanding such act of forfeiture or breach of condition continue and be in full force and effect, in like manner, as though the several conditions herein contained had been annexed to the estate and interest of such last mentioned owner, proprietor or proprietors only and not to the estate or interest of any other owner or proprietor, owners or proprietors.

Provided also, and it is hereby further declared and agreed between and by the parties to these presents that in all and every or any case of forfeiture or breach of the conditions herein contained the said Governor and Company and their successors shall take advantage and avail themselves of the same by entry, within five years from the day or time on or upon which any act of forfeiture or breach of condition shall be or have been made, done or committed or be for ever barred and foreclosed from taking advantage of the same, it being intended and hereby agreed that such omission on the part of the said Governor and Company and their successors, whether arising from want of knowledge or from any other cause, shall be construed to be and shall operate as a dispensation or waver of such forfeiture.

Provided also, and it is hereby further agreed and declared between and by the parties to these presents and the said Governor and Company do hereby for themselves and their successors, give and grant unto the said Earl of Selkirk, his heirs and assigns and all and every the person and persons whomsoever claiming or deriving title by, from, through, or under him, them or any of them, as lessee or lessees, or otherwise, free liberty and license to convey any produce of Rupert's Land aforesaid, save and except the furs, skins of beavers and other animals of a wild and untamed nature, to Port Nelson, in Hudson's Bay, and to commit, send and consign the same to the Port of London, to be there deposited and lodged in the warehouses belonging to or to be from time to time appointed by the said Governor and Company and their successors.

And in like manner to import, bring and convey into the said land and territories called Rupert's Land any goods, wares, merchandizes or commodities of any kind, nature or description whatsoever as well, manufactured for the use, convenience and consumption of the persons being or residing within the limits of the land hereby granted and enfeoffed, or

otherwise assured or expressed and intended so to be, and to sell, barter and exchange, or otherwise dispose of the same at his and their will and pleasure.

Nevertheless, it is further agreed that the said produce, goods, wares, merchandizes and commodities shall be conveyed to and from Port Nelson in ships or vessels, to be from time to time provided by the said Governor and Company and their successors, in pursuance of the covenant or agreement in that behalf hereinafter contained.

And also that the said Governor and Company and their successors shall and may claim and shall be paid and allowed by the owner or proprietor, owners or proprietors of the said produce, goods, wares, merchandizes and commodities, all charges as and for and in the nature of quayage, wharfage, warehouse room and commission for sale which shall be or constitute the average or ordinary price or prices in similar cases.

Together with such charge for freightage as shall at the time or respective times be paid or payable for vessels navigating between the Ports of London and Quebec, or at or for such rates of freight as vessels can or may be chartered between London and Hudson's Bay.

And the said Governor and Company shall and may also charge and shall be paid and allowed for the license hereby given and granted to and for the purposes hereinafter mentioned, as and in the nature of a custom or duty any sum not exceeding five pounds, for and upon every one hundred pounds in value, or amount of the produce, goods, wares, merchandizes and commodities, which shall or may be conveyed to or from Port Nelson aforesaid, and so in proportion for a less quantity in value or amount than one hundred pounds unless the same kind of produce, goods, wares, merchandizes and commodities shall be subject to a higher rate of duty or importation at Quebec, and then in cases of importation the said Governor and Company and their successors shall and may charge, and shall be paid and allowed at and after the same rate as shall be paid or payable at Quebec, such value or amount to be from time to time fixed and ascertained in all cases of imports by and upon the actual and bona fide invoice prices, and in all cases of exports by the net proceeds of sales at London.

And the said Governor and Company do hereby for themselves in their corporate, and not individual capacity and for

their successors, covenant promise and agree to and with the said Earl of Selkirk, his heirs and assigns in manner following, that is to say:

That notwithstanding any act, deed, matter or thing whatsoever made, done, committed, permitted or suffered to the contrary by them the said Governor and Company, or by any person or persons claiming or to claim by, from, through, under or in trust for them, they, the said Governor and Company now have in themselves, good right, full power and lawful and absolute authority by these presents to convey and assure the land, hereditaments and premises hereby granted and enfeoffed, or otherwise assured or expressed and intended so to be, and every part and parcel of the same unto and to the use of the said Earl of Selkirk, his heirs and assigns, according to the true interest and meaning of these presents, and also that notwithstanding any such act, deed, matter or thing as aforesaid, it shall and may be lawful to and for the said Earl of Selkirk, his heirs and assigns, immediately after livery of seizin made and executed in pursuance of these presents, and from time to time and at all times thereafter peaceably and quietly to have, hold, use, occupy, possess and enjoy the land, hereditaments and premises hereby granted and enfeoffed, or otherwise assured or expressed and intended so to be, and every part and parcel of the same and the rents, issues and profits thereof to have, receive and take for his and their own use and benefit without any let, suit, trouble, eviction, molestation, ejection, expulsion, interruption, hindrance or denial of from or by the said Governor and Company or their successors or any other person or persons lawfully or equitably claiming or to claim any estate, right, title, trust or interest at law or in equity of, in, to, out of or upon the said land, hereditaments and premises or any part or parts of the same by, from, through, under, or in trust for them, and that free and clear, and freely and clearly and absolutely, acquitted, exonerated, released and discharged or otherwise by the said Governor and Company and their successors at their own costs and charges, well and sufficiently protected, defended, saved harmless and kept indemnified of, from and against all former and other gifts, grants, bargains, sales, leases, mortgages, jointures, uses, trusts, wills, intails, annuities, legacies, rent charge, rent seck, rent service, and all arrears of rent, and also of from and against all and all manner of fines, issues, seizures, amerciaments, statutes, recognizances, judgments, executions, extents,

suits, decrees, debts of record, debts to the King's Majesty, or any one of his predecessors, sequestrations, debts, titles, troubles, liens, charges, and incumbrances, at any time or times heretofore, and to be at any time or times and from time to time hereafter made, done or committed, occasioned, permitted or suffered by the said Governor and Company or their successors or any other person or persons rightfully claiming or to claim by, from, through, under, or in trust for them, or by their acts, means, default, consent, privity or procurements.

And moreover, that they the said Governor and Company and their successors, and all persons whomsoever lawfully or equitably claiming or to claim by, from, through, under, or in trust for them any estate, right, title, trust, charge or interest of, in, to, or out of the land, hereditaments and premises hereby enfeoffed or otherwise assured or expressed and intended so to be, or any part or parcel of the same shall and will from time to time and at all times hereafter upon every reasonable request, and at the costs and charges in all things of the said Earl of Selkirk, his heirs and assigns make, do, acknowledge, suffer, execute, and perfect, or cause, or procure to be made, done, acknowledge, suffered, executed or perfected all such further and other lawful and reasonable acts, deeds, devices, conveyances and assurances in the law whatsoever, either by common recovery or recoveries, deed or deeds enrolled or not enrolled, release confirmation or assurance whatsoever for the further, better, more perfectly and absolutely and satisfactorily conveying or assuring the said land, hereditaments and premises and every part and parcel thereof, unto and to the use of the said Earl of Selkirk, his heirs and assigns, subject to the power of appointment on the part of the said Company, and to the conditions and provisos hereinbefore contained, according to the true intent and meaning of these presents, as by the said Earl of Selkirk, his heirs or assigns, or his or their counsel in the law shall be reasonably devised or advised and required, so as further assurances or any of them shall not contain or imply any other or more general covenants or warranty on the part of the said Governor and Company than as for or against them and their successors in their corporate and not individual capacity, and on the part of any other person or persons who shall be required to make and execute the same than for the acts, deeds, and defaults of himself or themselves respectively and his, her and their executors and administrators, and so as the person or persons who shall be required to

make or execute such further assurances be not compelled or compellable for the making or doing thereof to go or travel above ten miles from his, her or their dwellings or places of abode.

And further that the said Governor and Company and their successors shall and will from time to time and all times hereafter find and provide the said Earl of Selkirk, his heirs and assigns and all and every other person or persons whomsoever deriving title, by, from, through, or under him, them, or any of them, either as lessee or lessees or otherwise, and who shall be or become a settler or settlers upon or at Rupert's Land aforesaid, with good suitable and convenient ships or vessels, in order and to the intent that he, she or they, may in pursuance and under or by virtue of the licence hereinbefore given and granted, convey such produce, goods, wares, merchandizes and commodities as aforesaid to and from Port Nelson aforesaid, and also, shall and will find and provide proper and suitable warehouses, wharfs, quays, and other places for housing and landing the same before lading or after unlading thereof on being paid and allowed such price or rate of freightage and duty and such quayage, wharfage, and warehouseroom as aforesaid.

And in case the said Governor and Company and their successors shall neglect or fail to provide such ships or vessels, warehouses, wharfs, quays, and other places as aforesaid contrary to the true intent spirit and meaning of the covenant or agreement last aforesaid,—then, and in such case it shall and may be lawful to and for such settler or settlers to convey such produce, goods, wares, merchandizes and commodities to and from Port Nelson aforesaid in ships or vessels belonging to them the said settler or settlers or any person or persons whomsoever (subject nevertheless to the payment of such customs or duties as aforesaid), and after and not before such settler or settlers shall have bound himself, herself or themselves, and his, her, and their Heirs, executors and administrators in a sufficient penalty, not to break bulk between the port of lading and the port of discharge, and he, she, or they shall not hereby be, or be deemed or taken to have infringed or violated any right, power, privilege, immunity, or franchise whatsoever belonging or appertaining to the said Governor and Company or their successors within the intent and meaning of any condition herein contained.

And also that the said Governor and Company and their successors shall and will stand possessed of and interested in

all and singular the monies to be collected and raised for or in the nature of customs or duties under or by virtue of these presents, upon the trusts and to and for the intents and purposes hereinafter mentioned, that is to say:

In trust, that they the said Governor and Company and their successors do and shall from time to time and at all times hereafter pay and apply the same for and towards improving the communication by land or water from Port Nelson to Lake Winnipeg, regulating and sustaining the police and civil government of the settlements or plantations within their own territories, making and erecting public courts, offices, places and buildings, and for and towards all or any such other purposes as they the said Governor and Company and their successors shall or may think meet and proper and conducive to the well-being of their said settlements and establishments in or at Rupert's Land aforesaid, or of the persons being settling and residing in or within the same.

And they the said Governor and Company and their successors shall and will from time to time account for such monies accordingly, it being the true intent and meaning of the said parties hereto that the said Company shall have the absolute control and expenditure of all and singular the monies arising as aforesaid, but that the same shall be considered as a fund to be employed for purposes of general benefit and improvement to their establishments and possessions in America, and not to be divided as an account of profit to the general proprietors of their stock.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

(Signed) Selkirk, [L.S.]
Alexander Lean, [L.S.]
Secretary of the Hudson's Bay Company.

Indorsed.—Sealed under the common seal of the within-mentioned Governor and Company, and signed and delivered by Alexander Lean, their Secretary, pursuant to their order and appointment, and signed, sealed, and delivered by the within-mentioned Thomas, Earl of Selkirk (being first duly stamped), in the presence of

Alexander Mundell,
Parliament Street,
Westminster.
Edward Roberts,
Hudson's Bay House.

Suit l'attestation écrite et assermentie du premier de ces deux témoins, Alex. Mundell, en presence du Maire de Londres.

Sworn at the Mansion House, London, this twenty-third day of April, 1819, before me, } (Signed) ALEXANDER MUNDELL.

JOHN AIKINS, [L.S.]
Mayor.

Puis, attestation notariée, in testimonium veritatis.

(Signed) WILLIAM DUFF,
Notary Public.

Be it remembered that on the fourth day of September, in the year 1812, at the Forks of Red River, peaceable possession of the land and hereditaments by the within-written indenture, granted and enfeoffed, or otherwise assured or expressed, and intended so to be, was taken, had, and delivered, by the within-named William Hillier, one of the attorneys for that purpose appointed, unto the within-named Miles MacDonnell, Esquire, who was duly authorized to receive the same, to and for the use of the within-named Earl of Selkirk, his heirs and assigns, according to the form and effect of the within-written indenture, in the presence of

(Signed) JOHN MCLEOD,
RODERICK MCKENZIE.

(*b*) MILES MACDONELL.

1. *Instructions to Miles MacDonell. 1811.*[1]

I. According to the arrangements made with the Company all the men are to sign contracts in the usual form whether intended for the settlement, or for the Company's commercial establishments; and these contracts will be for three years at the stipulated wages. If the total number who rendezvous at Stornoway amount to 200 or upwards, M. McD. is to be allowed to select 40 out of them; but if the total number is less, then a proportionably less number is to be taken for the settlement but not less than 30. Those whom you select should be brought together into one ship, either at Stornoway or while the ships remain in Co^{y}. These men will be counted on the establishment of the settlement. The selection should be made with a view of establishing an extensive local connection, and for this purpose people should be taken from a variety of districts rather than from one in particular. Of the Irish, 12 or

[1]Dominion Archives, Selkirk Papers, I. 168-180.

15 may be sufficient, including the tradesmen: the rest may be Highlanders, mostly of Capt. Rod'k McDonald's list. All the married men should of course be taken and the more elderly of the unmarried, both as being most likely to be steady and also less fitted for the Company's commercial business. The rest of the Irish and most of the Highlanders will be under Mr. Hillier's command at Winipic River so that a communication may be kept up. Mr. Kelly may pay them a visit occasionally.

It is of great importance to introduce and keep up from the first habits of exact subordination, and implicit obedience to command; but in doing this it is necessary to avoid exciting the jealousy of the people, who might think they were kidnapped if the forms of military service were prematurely introduced. On the passage the practice of keeping watch and watch and the various observances which the regulations of a ship require, afford sufficient opportunities for enforcing the essential principles of obedience and discipline. After you leave the Factory on the inland route, the propriety of guarding against surprise from Indians, etc., afford an evident reason for introducing some military observances, as to watches, sentinels, etc. After your arrival at the Settlement this reason will become so evident, that the forms of a regular garrison may be introduced, and when the people see distinctly the nature of the undertaking, from the occupations in which they are employed, they will probably consent without difficulty to practice military evolutions. A weekly exercise may then be established, for firing at a mark, and the more simple movements, and in the course of next summer some weeks may be allotted for a general training, such as that given to the Volunteers or Local Militia in this country; and that practice once begun should never be dropped.

On your arrival at York Factory, you will receive supplies of all necessary articles, which could not be so conveniently sent from hence. Among these are particularly specified 25 kegs of rectified spirits. For all these supplies you will give a receipt, so that the value may be settled for here. Besides the articles required for the general service of the settlement, the Company recommend to the Superintendent there to send up an extra quantity of slops, etc., to be under the charge of a Trader at the settlement or somewhere in its vicinity. From these the men may be supplied with any articles which they require; the Trader will have instructions from the Company

as to the rate at which these are to be charged, and he will furnish them on your countersigning the receipt or order of the man who receives them, which may be done if the man has a balance of wages due to him. An account must be opened for each man's wages; and the price of articles so furnished must be stated as payments to account; and a statement of these accounts being sent home at the end of the year, it will be seen what balance in cash remains due to each individual. The charges will be made up by the Company against the settlement generally; but will thus be balanced by the charges made against the wages of each individual.

On your arrival at York Factory, arrangements must be made with the officers of the Factory respecting a Boat-builder, who is to remain there on the R.R.S. establishment, to prepare boats for the people who are to go out next year. This Boat-builder is perhaps to have one or two apprentices and they are all to be treated like the other servants of the Factory, but the charges of their wages and diet to be counted against the settlement. The Company recommend to their officers at Y.F. that during the winter they shall give every assistance which they can afford of spare hands, to cut, carry out and saw timber for the use of the Boat-builder, the value of all which is to be accounted for. You will learn from the officers of the Factory what amount of assistance may be expected; and from this the Boat-builder may calculate what number of boats he can have ready by the time that next year's ships arrive. This you will communicate to me, by the return of the ships, that I may judge for what number of people there will be conveyance next year. It is probable that at Y.F. you may also meet people well acquainted with the Red River, from whom you can obtain intelligence what supplies of Buffalo meat may be reckoned upon. This also is a material that I should be informed of, so as to judge whether there will be next year a supply of provisions for all the people who can be conveyed up.

It has been recommended by the officers at Y.F. to supply you with the necessary assistance of Pilots for going up the river, together with as many experienced hands as they can spare. It is not to be expected however that these can go any further than the outlet of Lake Winipic and for the navigation through the Lake, it is, to be hoped that no peculiar assistance will be necessary. During the voyage up, every exertion will be necessary to make all the progress possible, so as to arrive in good time at the place of settlement. In these

exertions the men must be encouraged by a reasonable distribution of spirits whenever the work is severe. You are well aware of the necessity of caution and moderation in this particular, and I trust that you will have no difficulty in impressing on the other gentlemen, who are of the party and to whom any part of the superintendence may be delegated, that the distribution of spirits must never go to excess, that it must be reserved for occasions of great exertion, and must not be allowed to grow into a fixed allowance in ordinary circumstances. The quantity to be furnished at Yk. is reckoned to be considerably beyond what will be required for the consumption of the people themselves so as to afford a surplus for trafficking with the Indians for meat, etc.

On your arrival in Red River the first and most important point will be the choice of a situation for the settlement. For the sake of health, a dry and airy situation is essential and may be sought with most probability where the River approaches the high or outer bank. To unite every advantage this should be in a plain of tolerable extent, yet near the edge of the woods, and the plain should both be of fertile soil and of sufficient extent to allow a number of settlers to be spread out, on separate lots, each enjoying the advantage of wood, water and open lands fit for immediate cultivation. The country from the mouth of the River to the Forks and for some distance farther is described as generally wooded, with only a few small and insulated plains which would not probably answer the purpose. If it is necessary to go up the River to the edge of the great plains, some time must be occupied in examining both branches so as to choose a good situation; and it would be a great loss, if the people were to remain all this time idle. It may therefore be advisable to make a halt at the first tolerable situation that you find, and set the men to work there with their spades to turn up some ground for winter wheat, while you go with a small party to explore. Perhaps the best spot for this halt will be that marked in P. Fidler's survey by the name of Pelican Ripple, which he describes as the first plain in going up, and also as nearly dead water from the Lake, so that a sailing vessel might probably be able to reach it. If so this must become in time a place of consequence though the country appears to be too low to be chosen as the permanent situation of the first establishment. It is probable however that a house may be built and a few people left without danger through the winter, to guard the crop and extend the improvements there, while the main body proceed farther

up the River. It will be extremely important that you should be able to remove to the ultimate situation before the setting in of winter; so that during the winter some progress may be made in clearing and on the opening of the Spring every exertion for bringing into cultivation as much land as possible. If your arrival in Red River be very late it may be a matter of necessity to remain for the winter at Pelican Ripple or in the first spot that you stop at. In that case it will be necessary to remain ther till after the Spring seed time is over not to interrupt the exertions for so important an object as the *first crop*. It will be easy to move up in course of the summer before the . . . . . season comes on, which ought not by any means to be passed in the low and moist country. There will however, be considerable inconvenience in removing from a place where a considerable quantity of work has been employed, and where much crop has been sown; but if your arrival is very late in the season, it is perhaps impossible to avoid this inconvenience.

All this however must depend on local circumstances, on which we are as yet veery imperfectly informed, but on which you may obtain perhaps more minute information before you arrive at Red Deer. You may propably find P. Fidler at York Ft. or other persons who have been in the country, from whose description a situation may perhaps be selected beforehand with tolerable certainty, and if you are thus enabled to go on to it at once, without loss of time, it will be a great advantage.

A communicatiton must of course be established as soon as possible with the Posts of the Company at Pembina (Pabana) and Brandon House, from which (particularly from the latter) very essential supplies may be drawn. They have particular large stocks of horses, which are tolerably domesticated and accustomed to draw in carts. The officers of the Company at these posts are instructed to supply as many of these horses as they can spare, and they may probably have no great difficulty in sparing their whole stock, if they have sufficient notice so as to purchase others from the Indians to replace them—of the value of the horses so furnished an estimate must be made according to the value of goods which must be expended to purchase from the Indians other horses as good, and the value so ascertained will be accounted for here. The Company's establishments at Brandon House, etc., will also supply you with seed potatoes and perhaps some seed

grain, which will be accounted for in like manner. Perhaps however a greater supply at least of Indian corn may be obtained from the Ottawa and Bungee Indians at Dead River near the mouth of Red River.

With respect to these and all other tribes of Indians with whom you have any intercourse, no precaution must be omitted to obtain their friendship as the party will not much exceed the numbers of an ordinary trading post, it may be hoped that in the first instance they will pass for such; and to countenance that idea it will be very useful if the Superintendent at York will send a trader with an assortment of goods for the Indians, to accompany the settlers. Though this idea cannot be of very long duration, it will be well to keep it up as long as possible, at least till the post is well established and fortified. When it can no longer be concealed that the establishment is to be permanent, if the jealousy of the Indians appears to be roused, the proposal of purchasing the land must be brought forward. The purchase ought to be, in part at least and as much as possible by way of annuity, rather than a price to be paid at once. An annuity to be annually distributed among the tribes and families, who have a claim to the lands, will form a permanent hold over their peaceable behaviour, as they must be made to understand that if any individual of the tribe violates the treaty, the payment will be withheld. It is to be hoped that from your first arrival in the country an intercourse may be established with the neighbouring tribes and by personal attentions, presents, etc., the leading individuals may be conciliated which will greatly facilitate any general treaty. A boon of immense consequence may be held out in the communication of the vaccine. On this point it may be necessary to proceed cautiously to avoid misapprehension, but time and patience will convince them, both of the value and the beneficence of the gift. Perhaps by judicious management on the part of the interpreters, they may be laid [made] to entertain very high ideas of the power of those who have such a command over nature. Much in all this must depend on the interpreters, and from the adjacent establishments of the Company, we may expect essential assistance. But after all the attentions which can be used for obtaining the friendship of the Indians, it would certainly be wrong to trust very much to it, especially after the threats which have been held out. A better security will be in the awe which they will entertain for so strong a post, if they see it guarded with unremitted vigilance, and especially if they

find that any proceeding in the least degree savouring of insult or encroachment is repressed with a determined vigour.

It cannot be necessary to enter into any detail of the buildings which must be erected, or of the process of clearing land, inclosing tilling, etc., etc., which must occupy your attention. All that needs to be observed is that the work of the first season ought to be concentrated as much as possible in the near vicinity of the fort, both for security and that the work may be carried on with more regularity and less loss of time. The men being all upon wages and therefore under complete command, may be employed in the most systematic manner, in distinct lands allotted for different branches of the work, each under their separate overseer. It is of evident consequence that the first crop should be as large as possible; and to animate the exertions of the people it may be held out that if the abundance of the harvest answers your expectations, they will receive their allottments of land without waiting the expiration of their contracts of service. In fact if the first harvest proves tolerably abundant, and the produce in any degree encouraging, the people should then receive separate allottments of land, to cultivate each for himself, with the promise that as soon as they have raised a sufficient crop to feed a family and build a house to lodge them, their friends from home shall be brought out to them. From the time that any man is thus set free to work for himself, his wages ought to cease. He must be assisted with a supply of provisions for the first year, as well as tools; for which if he has not the means of paying he should be charged as a debtor to the establishment; and a moderate charge should in like manner be added on account of the land allotted to him. A description of the land allotted to each should be sent home, so that a grant in due form may be sent out to be delivered to the settler, on payment of his debts. The price to be put on the first lots, is of little consequence except for the sake of the principle. They may be laid out from 50 to 100 acres to each man, and should as far as possible combine wood and plain in every lot. If, however, the Indians should appear disposed to be troublesome so as to excite any apprehensions for scattered settlers, small lots of 5 or 10 acres may be laid out more closely adjoining to the fort and assigned to the men on a temporary tenure to cultivate till they can safely take possession of their full lots. The reinforcement sent out next year will probably do away all apprehension on this score.

2. Letter from Selkirk to Miles MacDonell. June 13. 1811.[1]

LONDON, 13th June, 1811.

MY DEAR SIR:—

In the event of any accident to myself it is proper that you should be enabled to refer those who may succeed to the management of my affairs to some permanent evidence of the terms under which you have engaged your services for the management of the Colony which you are now proceeding to form in the Territories of the Hudson's Bay Company. In this view I have to state that you are to receive a grant of fifty thousand acres, to your self and your heirs. This grant must be subject to the general conditions imposed by the Company in their grant to me, and also to any general regulations which may be adopted for the purpose of preventing one proprietor from alluring away settlers brought to the country by another; but it shall not be burdened by any particular stipulations of settlement. In the particular location of this grant, I shall have every disposition to gratify your own wishes, consistently with those general principles which must be adhered to in the distribution of land. Besides this particular grant you are to have an interest in a joint Stock Company to which I purpose to assign a large proportion of the Territory granted to me, on condition of establishing a fund for its settlement, and on the formation of this Company shares shall be reserved for you, equivalent to a subscription of five hundred pounds sterling.

You are also to receive a pecuniary salary at the rate of three hundred pounds a year, so long as you continue in the management of the Colony; which salary is at present current from the 29th, ulto. On the formation of the Company to which I have already alluded, the payment of your salary will probably devolve upon them, but I have no doubt that your management of the business entrusted to you, will be such that they will be anxious to retain you in their service so long as you find it convenient to remain in that remote country. I trust that you will not quit the colony till it is fairly established and past the dangers of an infant settlement; but if your inclination should then lead you to resume your residence in a less remote part of the world, you may depend on my most strenuous endeavours to promote your interest and to obtain for you an advantageous establishment.

I am, dear Sir, Yours sincerely,

Miles MacDonell, Esq. (Signed) SELKIRK.

[1] Dominion Archives. M. 155, p. 137.

3. Extract of Letter from Selkirk to Miles MacDonell. June 29th, 1811.[1]

"I inclose a paper which I firmly trust will prove a superfluous precaution; but it would be wrong to omit attending to any contingency against which foresight can guard. I have therefore written the inclosed in which the nomination of your second is left entirely to your discretion. Perhaps you may not yet be fully satisfied which of the gentlemen of the party may be the most fit for the charge, and therefore it may be advisable for *the present* only to insert the name in pencil.

Adieu,—my dear Sir,—I can scarcely express the anxiety with which I shall expect further accounts from you.

Yours,

SELKIRK.

4. Blank Commission Signed by Selkirk Enabling Miles MacDonell to Appoint Successor..June 29th, 1811.[2]

London, June 29th, 1811.

I hereby declare, that in case any unfortunate accident should prevent Captain Miles McDonell from attending to the business intrusted to him, it is my intention that the management of my business and the command of the settlement under his charge, shall devolve upon the gentleman whose name shall be written hereunder by Capt. McDonell, trusting that the person so nominated will guide his conduct by the Instructions given by me to Capt. McDonell together with such further directions as Capt. McDonell himself may have communicated.

SELKIRK.

In lead pencil.
(Archibald MacDonald,
to succeed
Miles Macdonell.)

5. Notice Published in the Quebec Gazette. Dec. 12, 1811.

Provincial Secretary's Office,
Quebec, 10th December, 1811.

His Excellency the Governor has been pleased to appoint the following persons to act as Civil Magistrates and Justices

[1] Dominion Archives. M. 155, p. 141.
[2] Dominion Archives. M. 155, p. 143.

of the Peace for any of the Indian Territories or parts of America not within the limits of either of the Provinces of Upper or Lower Canada, or of any Civil Government of the United States of America as well as within the limits of either of the said Provinces, viz.:—Miles Macdonell, William Auld, Thomas Thomas, William Hillier, Thomas Vincent, John Thomas, George Gladman, William Hemmings Cook, Thomas Topping and Abel Edwards, Esquires.[1]

6. *Extract of Letter from Miles Macdonell to Selkirk. May 31, 1812.*[2]

We must immediately have some kind of judicature in the Colony. No Government is so fit for such an establishment, in the beginning as a military one. I imagine that once in possession of the Royal Commission, martial law might be established by a proclamation, but I shall require forms. In support of this some coercive power may be necessary—a company of 50 men would be sufficient in the first outset. They would be mounted in the country, to act as Infantry or Cavalry as the service might require. A war with America, I suppose, would facilitate the obtaining this from the Government, as they would naturally wish to strengthen every part—and if ready raised troops were objected to, the men could soon be recruited in those parts of Ireland and Scotland from which the families are brought. More companies might in time be added if required. Should Military Law be established within the tract, all traders must take out a License, which may answer a good purpose with the N. W. Co.

The present state of the country requires strong power to bring it to order, and if we are to have Glasgow weavers, or others of similar principles among us, instead of being formidable to the Indians, or other external enemies, we may all be overturned by one tumultuous onset of our own people. Seeing people well prepared often prevents mischievous consequences. I submit all this to Your Lordship's most serious consideration.

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[1] These were appointed under 43 George III. Their names appeared in the *Quebec Gazette*, being the usual form in which Justices of the Peace were appointed by the Governor. See letter from W. McGillivray to Major Loring, November 28, 1815. Dominion Archives, *Red River Disturbances*, M. 778, F.

[2] Dominion Archives, M. 155, p. 330.

7. Letter from Selkirk to Miles Macdonell, June 13, 1813, in reply to the above.

In your letter of May 31 you urge the necessity of an efficient Judicature for the Colony, a point of which I fully concur. The subject has occupied a great deal of attention since I wrote to you last. Your suggestion as to a Military Government is liable to difficulties of which you cannot well be aware: and though I do not abandon the idea yet for the present I have found it advisable not to press the matter, and for this year you must go on upon the same basis as heretofore. But this is of the less consequence from the satisfactory progress that has been made in ascertaining the rights of jurisdiction legally vested in the Company. These are very important, but it will require delicate management to take advantage of them. It is intended by the Directors to send out full instructions on this head to their principal officers but it requires so much consideration to draw these up correctly, that they cannot be ready this year. I am not sufficiently confident in my own legal knowledge to attempt by any instructions of my own to supply the deficiency; and though I think it right that you should be in possession of such an outline as I can give of the opinions which are entertained on the subject, I would wish you to be very cautious in applying these principles to practice, and always to remember that any violent overstretch of authority would be extremely pernicious to our cause.

The leading and essential point on which the best opinions seem to be united, is that the grant of Jurisdiction contained in the Charter is valid with only a few points of exception, and that is not affected by the Act 43, Geo. III., called the Canada Act. The Jurisdiction conferred by that Act on the Courts of Canada is considered as applicable only to Indian Territories:—and that the Territories of the Hudson's Bay Company being a British Colony, do not come under that description. It follows that if any of our settlers or servants of the Co. should be arrested as Mowat was, and brought for trial to Montreal, he is entitled to challenge the competency of the Judicature and could not then be legally condemned.

This appears to be the present state of the Law; but it is not probable that this can be allowed long to continue so, unless the Co. proceed to exercise the Jurisdiction legally vested in them, in such a manner as may afford to the people in their Territories adequate means of obtaining the redress of wrongs. On the other hand if they should exercise their

NOTE.—In the Selkirk Papers, Vol. II, this letter appears in two slightly differing forms bearing dates of June 5 and 13, 1813. The latter as being the fuller is given here. See Selkirk Papers II, 629-670.

jurisdiction in a violent and invidious manner so as to give occasion for a general clamour against them, it is probable that these rights would be directly abrogated by Act of Parliament. On this account peculiar caution is requisite in asserting our rights forcibly, especially against the N. W. Co., who must be expected to watch our proceedings with the utmost vigilance, and will be ready to catch at any flaw that could bring us into discredit with the public. It is not indeed to be reckoned impracticable that the rights of the Company might be enforced even without having reference to a higher authority; but to do this with safety against a violent opposition would require a minute attention to technical forms, and nice distinctions of law, where none but a practiced lawyer could be sure of finding his way. This therefore must not be attempted. Means will be found of bringing our legal rights to a fair trial before the supreme Tribunal in England; and in the meantime any exercise of jurisdiction on the part of the Company must be confined to what is strictly necessary for preserving the peace and good order of the settlement, avoiding carefully any step that could give a handle for misrepresenting these proceedings as directed to sinister objects and particularly to the invidious purposes of monopoly.

If you keep clear of any unnecessary collision with the N. W. Co. (remaining as to them decidedly on the defensive) I do not apprehend any material difficulty or obstacle against your taking upon yourself all the powers that are necessary for maintaining the internal police of the settlement; and the Commission which you already hold from the Company appears to be sufficient warrant to you for doing so.

By the Charter, the Governor of any of the Co.'s establishments *with his Council* may try all causes, civil or criminal, and punish offences according to the law of England. You have, therefore, authority to act as a Judge; but to do this correctly, it is necessary that you have a council to sit as your assessors, and also that you try by Jury all cases which in England would be tried before a Jury.

In the present circumstances of the Colony there would be much difficulty in finding a proper Jury to be empannelled and it must be quite impracticable to follow out closely the forms used in England in the selection. But it is not to be concluded from this that nothing can be done. Many cases may occur, where it would be an absolute denial of justice not to bring the matter to trial, and where that is evidently the

case subordinate difficulties must give way and may be safely over-ruled. There are but few crimes which it is competent to try, except by the Judicature of the district where the act was committed. By a special Act of Parliament a murderer may be tried in England for a crime committed abroad, but this is almost the only case, a thief or a robber can only be tried by the local jurisdiction; and the Canada Act being understood in the way which has been stated, these and many other serious offences must go unpunished, unless the rights of Judicature which are placed in your hands be exercised in the best manner that circumstances admit. If in a case of this kind, your conduct be evidently impartial and temperate, if no doubt can be entertained of your having acted right to the best of your judgment, and kept as nearly as you could to the essential principles of the law of England, there can be no risk of your conduct being afterwards impeached on account of any defect of form unavoidably occasioned by the situation in which you are placed.

After all a good deal of hesitation might be felt on this part of the subject, if it were not for a suggestion which appears to obviate the difficulty entirely, viz.:—that in any critical and important case, involving either a capital punishment or any other of great severity, the verdict and sentence may be referred to Government at home so as to obtain the special authority of the Crown for the execution of the sentence, and thereby to obviate all question, as to the competency of the Jurisdiction or the correctness of its exercise. In any case of this kind, it will be necessary to send to the Secretary of State a full and distinct statement of the facts which appear in evidence and the testimonies upon which they are established. This should be done in all cases where there is a necessity for any punishment more severe than imprisonment, but I conceive the cases must be very few indeed where you can have any occasion to go farther than that. I have no doubt that imprisonment for a longer or shorter period according to circumstances but always steadily and strictly enforced, will be found quite adequate to repress any outrage or violation of the law, with which you are likely to be threatened. If for a short imprisonment either for security previous to trial, or as a punishment for slight offences, warrant from yourself as Governor will be sufficient; and for cases of trifling consequence a summary mode of proceeding is probably the best; but where a long period of imprisonment appears to be advisable and

the case is likely to excite much animadversion it will be necessary to proceed by Jury, as well as in any case that calls for a severer punishment and may require a reference home. In order to be prepared for this more solemn mode of trial, a few of the most respectable persons in the settlement must be named as your Council, of which not less than two ought to sit along with you on any important case. One of your officers must also be appointed as Sheriff or Provost Marshall to take charge of prisoners, to superintend the Gaoler and in general to execute the sentences of the Court and in case of resistance all the settlers may be called upon to support his authority, which as the Posse Comitatus they are bound to do. It is also, as you know, the duty of the Sheriff to summon the Pannel from which the Jury are to be selected. The most fit that can be found among the settlers will of course be chosen, and though some of them must be very illiterate, yet where no better can be had, no objection can be made to your taking such as you have, rather than to allow a serious crime to go unpunished, and in the eye of the Law, I presume none of the settlers could be objected to as absolutely incompetent to act as Jurymen.

With respect to forms, it is my opinion that for the present you should not attempt them. It is scarcely possible that you should not fall into mistakes in applying technical forms to which you are not accustomed, and that would have a worse effect than if without pretending to understand or adhere to forms you attend only to essentials that your conduct may be liable to no question on the score of impartiality and moderation.

From what has been said you will perceive that nothing is to be gained by sending home any offenders to be tried in England, except in the single case of murder. It is therefore a fortunate circumstance that your Insurgents were otherwise disposed of. If a case of murder should occur, it will depend on circumstances whether it will be best to send the culprit home for trial in England, or to try him yourself and report the case for the special authority of the Crown previous to execution of the sentence. If the case is to be tried in England all the witnesses must be sent over and those also who may be called in exculpation; and if they are numerous this inconvenience may be of serious amount.

Higgins and Hart obtained a berth on board a Man-of-War on their arrival at Orkney and have not given us the trouble of any formal proceedings.

A very material point which appears to be established beyond all doubt, is that every person within the Territories of the Compy. is under their jurisdiction. Therefore if the N. W. people should attempt any violent aggression within the bounds of the settlement or against the settlers, you need not scruple to lay hold of them and proceed against them as you would against any offenders among our own people. If they keep a tolerable distance from the settlement and do not interfere with your internal affairs, you will not seek a quarrel with them, but you cannot allow them to insult the settlement or to trample upon your authority. If the servants of the H. B. Company claim your protection and redress against any illegal violence of their antagonists committed within the limits of your Government, you cannot refuse to interfere, and the delinquents should be brought to punishment in the same manner as if they had attacked the settlers; but you must take care to deal with perfect impartiality between the servants of the two Companies. Indeed in all occasions of collision with the N. W. people, it will be advisable to be very sure of your ground and to have a case very well made out before you take any strong measures.

With respect to our rights of landed property, that is universally considered as clear and quite unquestionable. But it is a point of prudence not to use these rights in an invidious manner, and for the reason which I have already stated, it would not yet be advisable to attempt forcibly to dispossess the N. W. Company of the posts which they occupy. The only point at present to be attended to is that they be not allowed to acquire any prescriptive right which they have not already gained. Twenty years uninterrupted possession though it does not give an absolute right, yet creates a title which cannot be overturned except by a process of peculiar solemnity:—but in any case where the Canadians have not occupied the same spot continually for that length of time, they may be summoned to remove, according to the common form of ejectment, which will of course be found in Burn. Even though this summons should not be followed by effective removal yet it will be sufficient to interrupt prescription, and this ceremony ought therefore to be used in every case where the N. W. Co. have possessed a post within our limits for nearly 20 years but has not beyond that period. The summons must be made before a number of witnesses so as to secure that the memory of the proceeding shall not be lost.

In pursuance of what has been said above of the necessity of naming a Council you may issue commissions the form of which may be modelled with the necessary variations after your own Com'n. from the Co'y and directed to Mr. Keveny as 1st in Council or second in command, next Lassere, K. McRae and to Arch'd McDonald to whom may be added (with Mr. Auld's previous approbation) the Chief Factors of East and West Winipic as Councillors of the Territory or District of Ossiniboia.

A Sheriff must also be appointed, and as I consider this as of an office of great importance, I think that Mr. K. ought to be nominated to it. I do not apprehend any incompatibility of the office of Sheriff and Councillor; but as in case of judicial proceedings it is the duty of the Sheriff to execute the judgments of the Court, it would be better that he should abstain from sitting on the Bench in the trial.

All these nominations should be communicated to Mr. Auld and reported to the Com'ee in London for their approbation. I have already mentioned some of them to Mr. Auld as proposed. Some of the steadiest of the settlers should be appointed to act as Constables, which must be held up as an office of distinction and high respectability.

The Sheriff must also have a posse ready to support him in case of resistance. A few trusty men may be selected from among the indented servants, and allowed an extra pay for this duty. If they are well officered and trained to exact obedience, they will give you nearly as much security as you could derive from a more regular military force. Your authority may be sufficiently enforced without killing men, and anything else that could be done by soldiers may be done as well by your own trained bands.

8. Extract from Journal of Miles Macdonell, Sept. 3 & 4, 1812.[1]

Thursday, September 3, 1812.—Occupied arranging the stores and making selections to go up and down. Went in the afternoon to take a ride with Mr. Wills by invitation. Went out with all the gentlemen here of the N. W. Co., mounted and a number of followers, about 18 altogether, freemen. servants, Indians, everyone that could muster a horse running races with each other. I invited them to be present the next

[1] Dominion Archives. Selkirk Papers, LXII, 16743.

day at the ceremony of delivery and seizin of the land and which was fixed to take place tomorrow at 12 o'clock.

Friday, September 4.—At 12 o'clock today fired our signal gun and hoisted our colours, being the signal agreed on with the N. W. Co., gent'n, that we were ready to begin. They accordingly came across. When the conveyance was read both in English and French in presence of all our people and several Canadians and Indians (Mr. Heney having prepared a translation) my Commission was likewise read, at the conclusion of which 7 swivels were discharged and 3 cheers given. The gentlemen assembled at my tent and partook of a cold snacke and we drank toasts appropriate to the occasion. The head was driven into a keg rum for the populace. Mr. Wills was obliged to go away early on account of canoes he was sending off, which broke up our party sooner than we should otherwise have done. Crossed with Mr. Edwards and spent the evening with the N. W. Co. gentlemen.

9. Proclamation Issued by Miles Macdonell. Jan. 8, 1814.[1]

Whereas the Governor and Company of Hudson's Bay have ceded to the Right Hon'ble Thomas Earl of Selkirk, his heirs and successors forever, all that tract of land or territory, bounded by a line running as follows, viz.:—Beginning on the Western shore of Lake Winnipic, at a point in fifty two degrees and thirty minutes North Latitude, and thence running due West to the Lake Winipigashish, otherwise called little Winipic, then in a southerly direction through the said Lake, so as to strike its Western shore in Latitude fifty two degrees, then due West to the place where the parallel of fifty two degrees North Latitude intersects the Western branch of Red River, otherwise called Ossiniboin River, then due South from that point of intersection to the height of land which separates the waters running into Hudson's Bay from those of the Missisourie and Mississippi Rivers, then in an Easterly direction along the height of land to the source of the River Winipic (meaning by such last named River the principal branch of the waters which unite the Lake Saginagus), thence along the main stream of these waters, and the middle of the several lakes through which they flow, to the mouth of the Winipic River, and thence in a northerly direction through the middle of the Lake Winipic to the place of beginning, which Terri-

[1] Dominion Archives. Selkirk Papers, III, 916.

tory is called Ossiniboia and of which I the undersigned have been duly appointed Governor.—

And whereas the welfare of the families at present forming settlements on the Red River, within the said Territory with those on their way to it, passing the winter at York and Churchill Forts in Hudson's Bay as also those who are expected to arrive next autumn, renders it a necessary and indispensable part of my duty to provide for their support.

In the yet uncultivated state of the country, the ordinary resources derived from the Buffalo and other wild animals hunted within the Territory are not deemed more than adequate for the requisite supply.—Wherefore it is hereby ordered that no persons trading Furs or Provisions within the Territory for the Hon'ble H. B. Co., the N. W. Co., or any individual or unconnected Traders or persons whatever, shall take out any Provisions, either of Flesh, Fish, Game or Vegetables, procured or raised within the said Territory by water or land carriage for one twelvemonth from the date hereof save and except what may be judged necessary for the trading parties at the present time within the Territory to carry them to their respective destinations and who may on due application to me obtain a License for the same. The Provisions procured and raised as above shall be taken for the use of the Colony, and that no loss may accrue to the parties concerned they will be paid for by British Bills at the customary rates.

And be it hereby further made known that whosoever shall be detected in attempting to convey out, or shall aid or assist in conveying out or attempting to carry out any Provisions prohibited as above, either by water or land, shall be taken into custody and prosecuted as the Laws in such cases direct; and the Provisions so taken as well as any goods and chattels of what nature soever which may be taken along with them, and also the craft, carriages and cattle instrumental in conveying away the same to any part but to the Settlements on Red River shall be forfeited.

Given under my hand at Fort Daer (Pembina) the 8th day of January, 1814.

MILES MACDONELL.

By order of the Governor.

JOHN SPENCER,
Secretary.

10. Instructions Relative to Judicial Proceedings issued to Miles Macdonell and Council, 1814.[1]

All proceedings relative to Police or Government should be done in Council, and a regular Minute or Record kept in a Book.

In judicial proceedings it may be sufficient that one Councillor should attend along with the Governor, though more would be better, especially if the cause is of consequence.

A nomination should be immediately made of 4 or 5 respectable settlers, to act as constables, the nature of which office is explained in Blackstone and in Burn; but it is intended to free this office of some of the disagreeable parts of its duty so as to render it more respectable.

The appointment of constables must be made in Council and the constables take an oath to do their duty faithfully.

The Councillors should also swear to do faithfully the duty of conservators of the Peace, which they hold as implied in their nomination to the Council.

In Judicial Proceedings a Record must be kept of the charges and the *substance* of the Evidence given by each Witness, and also the Judgment.

Though you cannot pretend to be master of legal forms every trial should be conducted with proper solemnity. Upon any case of importance the charge is to be put in writing and given to the prisoner some time before, and due notice of the time of trial. The prisoner is to be brought to the Bar in open court, confronted with his accusers. The charge is then to be read, and the prosecutor is to call his witnesses, to prove the facts alleged. Each witness is to be put solemnly on oath to speak the truth without reserve. The witness is first to be questioned by the prosecutor and when his examination is finished, the prisoner may cross-question the witness and the members of the court may also put such questions as they think necessary. After all the evidence is heard the Court is to deliberate, either in public or private as they see fit, and give their determination.

In the hearing of any cause, every witness is to be made to speak pointedly to the facts which he observed in person, and is not to be allowed to enter into any matter of hearsay. The only exception to this is that when a principal witness is dead, or has left the country, evidence may be given of what he has said. In general the court ought to require the best evidence

[1] Dominion Archives. Selkirk Papers, XLIV-XLV, 12017, seq.

which the nature of the case admits, and not to allow any indirect or secondary evidence to be brought forward, if there is any possibility of ascertaining the fact by direct evidence.

Persons condemned to imprisonment, as a punishment for their offences, should always be kept to hard labour, of any kind that appears most suitable. Any one who refuses to work, or to obey the other regulations of the prison, should be kept in a solitary and dark cell, till his obstinacy be overcome.

Persons put in prison before trial should not be treated with more severity than is necessary for securing their persons.

In cases of smaller crimes, an offender, after being arrested, should be liberated on bail, if persons of sufficient responsibility become bound for his appearance to answer at his trial.

It is the duty of every constable to execute the orders which he receives from the Governor or any Councillor, either in person, or by written warrant.

A constable may, of his own authority, put a stop to any breach of the peace, which he sees attempted or threatened. If in his presence any person make an assault, or threaten to kill, beat or hurt another, the constable may seize such person and keep him in safe custody till he can be taken before the Governor or a Councillor.

A constable is not liable to punishment for executing the warrant or order of the Governor, or a Councillor, even if the act which he is ordered to do be illegal. The Magistrate who issued the illegal warrant is alone responsible.

If the authority of the constable be questioned he must shew a warrant from some officer having sufficient authority to grant it; and that being produced, it is unlawful for any person to resist the execution of the warrant.

If a constable be resisted in the execution of his duty, he may lawfully use force, so far as it is necessary, either for executing the warrant of the Governor or Councillor, or for putting a stop to a breach of the peace. If in consequence of such resistance, a scuffle should ensue and the constable should be killed, the assailant who resists him is guilty of murder; but if the assailant should be killed, the constable is not guilty. Any persons acting by the orders, or in aid of the constable, are likewise indemnified from the consequences unless it can be distinctly proved, that from malicious or criminal motives they acted with more violence than was necessary for overcoming the resistance.

Any person whatever who *sees* a felony committed is bound to use his endeavours to apprehend the offender, and may lawfully seize him and take him before a magistrate.

If the individual cannot accomplish this, he ought to inform the nearest constable or other magistrate of the offence committed, the person guilty and the road he is supposed to have taken. It is then the duty of the constable to proclaim hue and cry. This being done, all persons are bound to give aid to the constable for pursuing and taking the offender, and any individual who has the opportunity ought to seize him. Even if the party so arrested should afterwards be found innocent, the person who arrests him is not liable to any penalty.

If a private person should arrest another on his own suspicion alone, he is liable in damages if the suspicion turns out to be ill-founded; but a constable is not so liable unless it be proved that he *knew* the suspicion to be ill-founded.

The Governor may call the Council or any member of it at his discretion to consult with him upon matters not judicial. It is in the discretion of the Governor to act according to their opinion or not, as he thinks fit; but any measure which is determined upon by the Governor in Council is to be held as done upon the advice of all present, unless those who disapprove of it express their dissent in the minutes of Council and give in to the Governor a statement of their reasons.

11. Extract of a Letter from Miles Macdonell to William Auld, Feb. 4, 1814.[1]

"I am instructed to form a Council. Of those proposed by his Lordship to compose it, there are only now on this side the Atlantic and the grave, Mr. Arch'd McDonald and the chiefs of East and West Winipic. It seems however that a Council is indispensably required to fill up the letter of the law, and I have appointed 1st Mr. George Holdsworth, 2nd Mr. John Spencer, 3rd, and 4th, the chiefs of East and West Winipic, 5th Mr. Arch'd McDonald, although at the distance of Churchill from me. Will you please to signify to Messrs. Sinclair and Hillier that it is my intention to name them should it meet with your and their concurrence. Mr. Spencer is also appointed Sheriff for the District of Ossiniboia."

[1] Dominion Archives. Selkirk Papers, III, 959.

12. Appointment of John Spencer as Councillor of Assiniboia. Feb. 8, 1814.[1]

By Virtue of the Power and Authority in me vested by the Governor and Company of Adventurers of England trading to Husdon's Bay—I hereby nominate and appoint you, John Spencer, to be one of my Council, as Governor of the District of Ossiniboia—conformable to the Royal Charter of His late Majesty, King Charles IInd, granted to the said Governor and Company. Given under my Hand and Seal at Fort Daer the 8th day of February, 1814.

MILES MACDONELL,
Govr.

13. Memorandum issued to Miles Macdonell, June 10, 1814.[2]

White to be your second in command. Give him pointedly precedence over other yo: men on Estab't, and when you are absent from settlement, he should have charge.

Treat him with confidence and discuss with him generally all measures under consideration so that he may be fully aware of your views in what is undertaken. Also you may derive advantage from consulting with him, if you get him [to] lay aside diffidence and state opinions freely. So far as I see his judgment [is] good. In fact the advantage of discussion and comparison of different opinions are so great that on general principles I wish that all important questions should be considered in Council. In this case however, (as in councils of war), the persons who are called in are to be considered merely as advisers and after hearing their opinions, it rests with you alone to decide, but those who dissent in a strong and pointed manner from the measure which you ultimately determine upon, ought to put their opinions in writing.

14. Extract of Letter from Selkirk to Miles Macdonell, July 9, 1814.[3]

"My former letters did not perhaps state with sufficient distinctness that I intended Mr. White to be considered as your second in command. I wish you to give him pointedly the precedence over the other young men on the Establishment, and that when you are absent from the settlement he should

[1] Dominion Archives. Selkirk Papers, III, 966.
[2] Dominion Archives. Selkirk Papers, IV, 1146.
[3] Dominion Archives, M. 155, p. 179.

be left in charge./ You should treat him with confidence and discuss with him generally all the measures which are under consideration, so that he may be aware of your views in what is undertaken, and you may also derive advantage from consulting with him in difficult cases, if you can get him to lay aside his diffidence and to state his opinions freely, for so far as I have had occasion to see, his judgment is very good when he gives it fair play.

In fact the advantages of discussion and comparison of different opinions are so great, that on general principles, I wish all important questions to be considered in Council. In this case however, (as in councils of war) the persons who are called in are to be considered merely as *advisers;* and after hearing their opinions, it rests with you alone to decide, but those who dissent in a strong and pointed manner from the measure which you ultimately determine upon, ought to put their opinions in writing.

15. Extract of Letter from Miles Macdonell to Selkirk, July 25, 1814.[1]

" After receipt of your Lordships' Dispatches I formed a Council and named 1st, Mr. George Holdsworth; 2nd Mr. John Spencer; 3rd, Mr. Arch'd McDonald; 4 and 5, the Chiefs of E. and W. Winipic. Mr. Spencer was also appointed Sheriff. All these were duly notified to Mr. Auld.

16. Notice issued to Allan McDonnell, Oct. 21, 1814.[2]

District of }
Ossiniboin. }

To Mr. Allan McDonnell or the person acting for the North West Company in the vicinity of Carleton House.

Take notice that by the Authority and on the behalf of your Landlord the Right Hon'ble Thomas, Earl of Selkirk, I do hereby warn you and all your associates of the North West Company to quit the post and premises you now occupy in the vicinity of Carleton House within Six Callendar months from the date hereof. Given under my hand at Red River Settlement this Twenty first day of October, 1814.

(Signed) MILES MACDONELL.

[1] Dominion Archives. Selkirk Papers, IV, 1194. See also p. 959.
[2] Dominion Archives. Selkirk Papers, XLIII, 11978.

17. Notice issued to Duncan Cameron, Oct. 21, 1814.[1]

District of Assiniboin.

To Mr. Duncan Cameron, acting for the North West Company at the Forks of the Red River.

Take notice, that by the authority and on the behalf of your landlord, the Right Honorable Thomas, Earl of Selkirk, I do hereby warn you, and all your associates of the North West Company to quit the post and premises you now occupy at the Forks of Red River within six calendar months of the date hereof.

Given under my hand at Red River Settlement this twenty first day of October, 1814.

(Signed) MILES MACDONELL.

18. Extract of Letter from Selkirk to Miles Macdonell, March 23, 1815.[2]

"If you approve of Mr. Pritchard as a member of your Council, I have no objection to your taking him into it ad interim. The ultimate arrangement cannot be determined till the dispatch of the general Judicature Instructions are ready which are to be sent by the ships."

19. Proclamation issued by Miles Macdonell, April 18, 1815[3]

To the Loyal Servants of the Red River Settlement who have so handsomely come forward in defence of the lives and property of its inhabitants.

Whereas the affairs of the settlement at this present time are in a troubled state and the late settlers and the servants of the N. W. Co., headed by their officers have already committed some daring outrages, and from their threatening aspect it is uncertain but they may attempt still greater. And as you have given them sufficient warnings by your spirited conduct today, that you are determined to defend to the utmost of your power the inhabitants of the Colony and the property of your employer, should any farther violence be offered, I hereby promise on behalf of the H'ble H. B. Co., and the Right H'ble the Earl of Selkirk, that in case any of you should be maimed or hurt in defence of our just rights you shall receive a pension equal to that given in the British Service.

MILES MACDONELL.

Red River Settlement, *Govr.*
18 April, 1815.

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[1] Dominion Archives. Red River Disturbances, M. 778 F.
[2] Dominion Archives. Selkirk Papers, V. 1503.
[3] Dominion Archives. Selkirk Papers, XVIII, 6037.

20. Extract of Letter from Selkirk to Miles Macdonell, April, 1815.[1]

"In hopes of overtaking the spring dispatch from Montreal, I write a few hints in addition to my letters of 22 March, etc.

"1. When you went out in 1811 you carried with you the Deed of Feoffment of the Ossiniboia Grant, with a memorandum of Instructions as to the mode of taking Livery of Seisin and of recording that proceeding upon the back of the deed. The deed ought to have been sent home with that record on it. I wish now that it should be sent by the first safe opportunity to Montreal to Auldjo and Maitland, but that a correct copy should first be taken and its accuracy attested by all the members of your Council, and by Mr. Thomas, with any other of the principal officers of the H. B. Co., who are within reach."

21. Extract of Letter from Selkirk to Thomas Thomas, May 24, 1815.[2]

In common with the Committee of the H. B. Co., I regretted your determination to quit their service. Since however you have made up your mind on that point, no plan could have been more agreeable to me than your establishing yourself on Red River, which is also highly approved of by your late employers. I believe it to be their intention to give you some assistance in establishing your family there, and so far as it rests with me I shall be ready to concur in any arrangement that is most likely to promote your comfort. I am led to believe that your wish to retire from the service has arisen only from the very laborious nature of the duties devolved upon you, and that in establishing yourself as a settler it would not be your wish to decline such other business as may be accomplished without much fatigue. In this view I trust that I may derive assistance from your abilities in the management of my concerns at the settlement.

The duty which I wish you to undertake is that of second in command[3] with the special management of the pecuniary business of the settlement, the stores being under your control and superintendence, a clerk being employed to keep the books

[1] Dominion Archives. Selkirk Papers, LXXVI, 20052.
[2] Dominion Archives. Selkirk Papers, LXXVI, 20058.
[3] In a letter to Miles Macdonell, May 25, 1815 (S.P. LXXVI, 20061). Selkirk writes, "I have requested the Company to appoint him first on your Council or second in command in the District."

under your direction, with such other assistance as may be necessary for relieving you from the drudgery of details. It is my view that all measures that involve expense, or that may effect the returns to be expected from the settlement, should be concerted between the Governor and you; that you should form the necessary calculations upon every plan which may be thought advisable for carrying into effect my views for the advancement of the Colony; that none of these measures should be carried into execution till they have received the full sanction of the Governor; and that on the other hand he should give no order for any measure that involves expense, or that is likely to affect the profits of the concern, without your concurrence. In case of difference of opinion, and that either the Governor or you should think it requisite to urge a measure which the other disapproves of, I mean that the decision be referred to Mr. Semple.

Though the scale of transactions now carried on at the settlement does not admit of my offering you any great emolument, yet as the duty will not remove you from your home and family nor interfere with the attention due to your private concerns, I hope that a salary of £100 a year may be acceptable to you in addition to the grant of a Township of 10,000 acres of land to be held under the general conditions specified in the prospectus of the Settlement of Ossiniboia.

22. Resolutions passed at a General Court of the Hudson's Bay Company, May 19, 1815.

HUDSON'S BAY HOUSE, May 19, 1815.[1]

At a general court held this day, of the Governor and Company of Adventurers, of England, trading in Hudson's Bay, for the purpose of taking into consideration an ordinance for the more effectual administration of justice in the Company's territories, pursuant to a notice of the same advertised in the London *Gazette,* on Saturday, the 13th instant, the following resolutions were submitted to the proprietors and passed in the affirmative, viz.

First,—That there shall be appointed a Governor-in-chief and Council, who shall have paramount authority over the whole of the Company's territories in Hudson's Bay.

Secondly,—That the Governor, with any two of his Council, shall be competent to form a council for the administration of justice, and the exercise of the power vested in them by charter.

[1] Narrative of Occurrences in the Indian countries of North America. Appendix, p. 37.

Thirdly,—That the Governor of Ossiniboia and the Governor of Moose, within their respective districts and with any two of their respective Councils, shall have the same power; but their power shall be suspended, while the Governor-in-chief is actually present, for judicial purposes.

Fourthly,—That a Sheriff shall be appointed for each of the districts of Assiniboia and Moose, and one for the remainder of the Company's territories, for the execution of all such processes as shall be directed to them according to law.

Fifthly,—That, in the case of death or absence of any councillor or sheriff, the Governor-in-chief shall appoint a person to do the duty of the office until the pleasure of the Company be known.

Extracted from the Minute Book of the said Company.

ALEXANDER LEAN,
Secretary.

9th June, 1815.

23. Extract of Letter from Miles Macdonell to Selkirk, Sept. 18, 1815.[1]

"In consequence of an Express sent to Jack R. by Archibald McDonald on the first breaking out of settlers, Mr. Jas. Sutherland joined us 10th May, and I appointed him one of my Council."

24. Extract of Letter from Miles Macdonell to his Brother Donald, Sept. 11, 1816.[2]

"Since the lamented death of Mr. Semple, the Governor-in-Chief, I am the only person having regular authority from the Company. I expect to be reinstated in my government early next summer in due form."

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[1] Dominion Archives. Selkirk Papers, LXIV, 17119.
[2] Dominion Archives, M. 155, p. 193.

(c) JAMES WHITE.

1. Letter from James White and Council to Selkirk, June 24, 1815.[1]

RED RIVER SETTLEMENT,
24 June, 1815.

MY LORD:—

As we are under the necessity of abandoning the settlement, our duty calls upon us to state to your Lordship the reasons that impel us to such a distressing resolution. As the Deposisitions, Journals and Letters will point out our past sufferings, it will only be necessary for us to acquaint you with the present measures, that the N. W. Company and their accomplices are still pursuing for our destruction and also with the prospects held out should we remain.

In the first place the N. W. Co. are keeping at their Fort some of the late settlers and servants of Red River Settlement, who have been our declared enemies, and also about forty Halfbreeds who have already pillaged your property, burnt almost all the houses in the settlement, and who are daily continuing such lawless conduct and threatening to involve us in farther misfortunes unless we quietly leave the River. From what has taken place, we firmly believe that the Halfbreeds who are without a doubt spurred on by the N. W. Co., will stick at nothing to exterminate the settlement.

In the second place should we remain and should the Halfbreeds persevere in doing us all the mischief they can, we must prepare ourselves with everything necessary for a siege. Provisions to support us, and men to assist us would then be required till the reinforcements arrive. Without fish we must starve, and it would be easy enough for the enemy to prevent us from getting any. Any assistance we may expect from our servants cannot be relied upon, as several yesterday threatened to desert us unless we gave them a boat to go to Jack River.

In the third place, no reinforcement would be allowed to pass up Red River.

In the fourth place, from the connection of the Halfbreeds with the Indians, there is no saying but they might persuade them to become our enemies also; and should any of the Halfbreeds be killed by us we are convinced that none of us would ever leave Red River.

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[1] Dominion Archives. Selkirk Papers, LXXVII, 20190.

In the fifth place, the crop would be destroyed, and supposing that the emigrants who are expected this Autumn should be allowed to come up, how are they to be fed?

In the sixth place, the Halfbreeds might find means to set fire to the houses at night and then our lives and property would be entirely at their mercy.

In the seventh place, there is a better prospect of re-establishing the Colony and of supporting the settlers by retiring for a little, before hostilities are carried too far against such a set of people. They will then have time to think of their cruelty towards us and may perhaps be brought round to become our friends.

In whatever light your Lordship may view our proceedings, we have acted for the best as far as our judgment directed us.

We have the honour to be, Your Lordship's most

Obt. and most dutiful Servts.,

James White.	Peter Fidler.
Arch'd McDonald,	Jas. Sutherland.

2. Articles of Agreement between Chief Factor James Sutherland and Surgeon James White, and the Halfbreeds, June 25, 1815.[1]

1. All settlers to retire immediately from this river and no appearance of a colony to remain.

2. Peace and quietness to subsist between all parties, traders, Indians and freemen in future throughout these two rivers, and on no account any person to be molested in his lawful pursuits.

3. The Honourable Hudson's Bay Company will, as customary, enter this river with, if they think proper, three to four of the former trading boats, and from four to five men per boat as usual.

4. Whatever former disturbance has taken place between both parties, that is to say, the Honorable Hudson's Bay Company and the Halfbreeds of the Indian Territory, to be totally forgotten, and not to be recalled by either party.

5. Every person retiring peaceably from the river immediately shall not be molested in their passage out.

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[1] Dominion Archives, Extracts from Peter Fidler's Journal, M. 778 D, and Miles Macdonell's Statement, M. 778 F.

6. No people passing the summer for the Honorable Hudson's Bay Company, shall remain in the buildings of the colony, but shall retire to some other spot where they will establish for the purpose of trade.

Chiefs of the Halfbreeds.

CUTHBERT GRANT,
BOSTONNAIS PANGMAN,
WM. SHAW,
BONHOMME MONTOUR.

and

For Hudson's Bay Company.

JAMES SUTHERLAND, *Chief Factor.*
JAMES WHITE, *Surgeon.*

3. Extract of letter from Robert Semple to Selkirk, Sept. 11, 1815.[1]

"What was the result of all these mighty words? Why, he (Capt. McDonell) gave himself tamely up to these very men for whom he had expressed such infinite contempt under the poor pretence of satiating the malice of his enemies and saving the remnant of the colony. Being so well aware as he was of the temper and total want of principle of the Canadians he surely could not be so blind as not to perceive that his surrender must seal the destruction of the Settlement. Who was to succeed him? Mr. White? He knew, as I shall presently state his total incapacity for such a charge and yet with this knowledge he gives himself up and recommends his infant and distressed colony to the generosity and tender mercy of a set of miscreants who came with the express purpose of destroying it and who he was aware would hesitate at no crime either of baseness or atrocity to accomplish their object. I really cannot stop to listen to fine speeches or to read long letters after such conduct. With regard to Mr. White, I am afraid the evidence of his unfitness for command is still more decisive than that against Capt'n McDonell. The latter may be a matter of opinion but the former may be summed up in a single word. Mr. White has proved himself a slave to liquor. Mr. Fidler has seen him in a state of intoxication for days together and Captn. McDonell has exacted from him a solemn oath and the signature of a contract to abstain from a vice so degrading to a young man.

[1] Dominion Archives. Selkirk Papers, LXX, 18563.

(*d*) COLIN ROBERTSON.

1. Letter from Robert Semple to Colin Robertson, Sept. 5, 1815.[1]

YORK FACTORY, 5th Sept., 1815.

COLIN ROBERTSON, Esqre.

SIR,—I have to thank you on the part of the Earl of Selkirk for the readiness with which you undertook, at the request of Mr. Thomas, the management of affairs at Red River and I trust that you already see in the partial re-establishment of the Colony there the good effects of your exertions.

It would, I am convinced, be gratifying to his Lordship that you should act as Chief of the settlement until his pleasure be known respecting the steps proper to be taken in the present state of affairs. Should you be willing to undertake this office I have directed Mr. Alex'r Macdonell to consider himself as second to you and consequently to pay every attention to your instructions.

Having so recently landed in this country I cannot pretend to enter into the detail of steps proper for you to pursue at this important crisis. I trust everything for the present to your prudence, your knowledge of the country and your influence over that portion of its inhabitants from which the Colony has most to dread. A due mixture of conciliating measures and of firmness will I conceive be requisite both towards the settlers when fears arise or extravagant demands are made and towards those lawless men who may be instigated to disturb their repose.

Your experience and good sense alone can dictate to you what is best to be done amid the variety of circumstances which may occur.

Mr. Peter Fidler in the service of the H. B. Co., has undertaken to conduct the settlers towards the Red River. His long experience in the surveying department peculiarly qualified him for the task and after their arrival must materially contribute towards their comfort and even their subsistance. Besides his other qualifications he brings with him a great degree of zeal and goodwill towards the Colony which will effectually ensure the utmost exertion of his abilities in its behalf.

I shall probably be occupied during the winter in visiting the Posts along the Saskatchewan as far as Edmonton House.

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[1] Dominion Archives. Selkirk Papers, V, 1652.

In the month of April I hope to have the pleasure of seeing you at Red River, meantime,

I am,
Sir,
Yours etc.,

ROBERT SEMPLE.

2. Extract of letter from Selkirk to Colin Robertson, March 30, 1816.[1]

MONTREAL, 30th March, 1816.

DEAR SIR:

I received here on the 10th, your very agreeable letters of 5th and 17th October with the accompanying documents. I had previously heard by way of London of your having set out from Jack River to conduct the settlers back to Red River, and my warmest acknowledgements are due for the readiness with which you undertook the important and arduous charge as well as for the zeal and ability which you have shewn in the conduct of the business after your arrival. I flatter myself that your progress through the season will prove equally successful and that I shall find the Settlement in a very different state from that in which I believed it to be, when I dispatched my letters of December 15th. I shall lose no time in coming to your support, and I trust that I shall come so accompanied that all farther attempts to disturb the peace of the Settlement will be soon at an end. As my arrangements however, do not admit of my travelling with the utmost possible expedition, I mean on the first opening of the navigation to dispatch 3 or 4 light N. canoes, full manned to reinforce you as early as possible. Capt. Macdonell will go up with this brigade. I do not mean him to take the command at the Settlement, but he will act as your second till my arrival and assist in any undertaking which the general good may require. The official character which he still holds by his Commission from the Company may be of great consequence, in giving authority to steps which cannot legally be taken by an individual not so authorized. As it is of primary importance that the leaders of the atrocious proceedings of last summer should not be allowed to escape I have to entreat your most particular attention to secure the persons of D. Cameron and Alex'r Mac-

[1] Dominion Archives. Selkirk Papers, VI, 1894.

Donell in the first place and next to them of Seraphim Lamar, Cuthbert Grant and Wm. Shaw, and also of Bostnois (if he still continues hostile) together with any other whom you know to have taken a leading and very active part.

These persons I wish to have kept in safe custody, till Mr. Semple's arrival and my own. If Mr. Semple or any of the Company's Chief Officers (who are on his *Council*) are at hand, it would be well to procure warrants from them for the apprehension of these men. However that is not indispensably necessary, as even a private individual having certain knowledge of the commission of a felony is lawfully entitled to arrest the felons, and to detain them till they can be brought before a magistrate for examination. Though I have no doubt that the Governor and other officers appointed by the Hudson's Bay Company are the only magistrates who are lawfully authorized to act in the H. B. Territories, yet as doubts have been brought forward, I think it may be of use to furnish you with warrants, the authority of which cannot be denied by them who deny the authority of H. B. officers, and which will serve as a justification to you in any event, even if the question of jurisdiction were decided differently from what we expect.

There can be no doubt that the N. W. Co., must be compelled to quit all their intrusive possessions upon my lands and particularly the Post at the Forks; but as it will no doubt be necessary to use force for this purpose, I am anxious that this should be done in a regular manner under a legal warrant from the Governor, so that there may be no ground for charging us with acts of illegal violence similar to the conduct of the N. W. Co. For the reasons which I stated in my letter of March last year to Capt. McDonell I am also desirous you should abstain from any unnecessary interference with the freedom of trade, and I would regret if the provisions of the N. W. Co., were stopped in coming out of the River provided they pass through the country in a peaceable manner without committing trespasses on my lands.

I have no doubt of your attention being excited to make the most ample preparations for next crop, so that not only the present settlers, but also large reinforcements may find sufficient support. I am anxious that the land in cultivation should for the present be concentrated in the vicinity of the principal settlement, and that the settlers should not be scattered at a distance along the River as they were last year. To encourage them to remain together I would wish a compact

village to be laid out in building lots of about half an acre, to each of which I would annex a lot of 8 or 10 acres of land as near as possible to the village. These small allotments I mean to give as a gratuitous allowance, over and above the regular farm lots, but under the condition that every settler who receives one will build and reside in the village, till he has brought the whole of the extra allotment into complete cultivaiton. The people will thus be kept together for the first 2 or 3 years which will not only tend to their actual safety, but will give them a feeling of security of great importance in tranquillizing their minds.

3. Letter from Robert Semple to Colin Robertson, April 12, 1816.[1]

FORT DOUGLAS, 12 April, 1816.

COLIN ROBERTSON, Esqr.,

SIR:—I heard with pleasure of yr. having taken possession of the Fort occupied by the N. W. Co., at the Forks of Red River. It was a measure on wh. I was fully determined and wh. was not only justified but imperiously demanded by the conduct and avowed hostilities of our implacable opponents.

With regard to intercepting the despatches of the N. W. Co., it was a step arising out of the former and wh. has happily furnished its own justification to the fullest extent. A more complete disclosure of plans of desperate villainy has never yet met my eye and I can only regret that such schemes of pillage, burning and murder should have been planned and be so nearly on the point of execution by men belonging to the same country as ourselves.

I am, Sir,

Yours sincerely,

(Signed) ROBERT SEMPLE.

(*e*) ROBERT SEMPLE.

1. Appointment of Thomas Thomas as Councillor of Assiniboia, Aug. 30, 1815.[1]

YORK FACTORY, 30th August, 1815.

THOMAS THOMAS, Esqr.,

SIR:—Agreeably to instructions received from the Hon'ble Board of Directors of the Hudson's Bay Company, I beg to in-

[1] See Laut, *The Conquest of the Great Northwest*, II, 199.
[1] Dominion Archives. Selkirk Papers, LXX, 18550.

form you that you are hereby appointed a member of my Council and a Councillor of the Ossiniboia District.

I am Sir,

Yours very sincerely,

ROBT. SEMPLE.

2. Letter from Robert Semple to Peter Fidler, Sept. 5, 1815.[1]

York Factory, 5th Sept., 1815.

Mr. Peter Fidler,

Sir:—The situation of the Colonists here for Red River requiring the exertions of a man of abilities and experience and it being proper that they should be conveyed inland without delay, I commit to you the superintendance of this important object and have directed Mr. Alexr. Macdonell to be guided by your opinion on all occasions where your local knowledge may be supposed to entitle you to speak decidedly. In your progress inland you will be guided by the intelligence which may be received as to the state of affairs at Red River and will either continue to carry the Colonists up in a body or distribute them for the winter at the different stations where provisions may be most readily procured. The zeal and readiness with which you have entered into my views on this subject convinces me that nothing will be wanting on your part to contribute towards the re-establishment of this important colony, in the secure and flourishing condition of which you will I trust hereafter see the best and most gratifying reward to your own mind. For the present you will consider Mr. Colin Robertson as First and Mr. Alexr. Macdonell as Second in command at the Red River until the Earl of Selkirk's pleasure be further known.

I hope to see you there in the Spring and shall then communicate whatever instructions the state of circumstances may appear to me to require.

I am,

Sir,

Yours sincerely,

ROBERT SEMPLE.

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[1] Dominion Archives. Selkirk Papers, V, 1656.

3. Letter from Robert Semple to Duncan Cameron, March 31, 1816.[1]

FORT DOUGLAS, 31 March, 1816.

SIR:—

I regret that an indisposition subsequent to my arrival here has prevented my addressing you till now. I think it my duty to tell you as soon as possible the charges alleged against you and wh. I assure you will demand yr. most serious consideration.

1st. You are accused of seducing His Majesty's subjects settled on Red River and the servants of the Earl of Selkirk to desert and defraud their masters and one to whom the former were largely indebted.

2nd. Of collecting, harbouring and encouraging Halfbreeds and vagabonds with the avowed purpose of destroying an Infant British Colony.

3rd. Through the means of these men thus collected, of firing upon, wounding and causing the death of His Majesty's subjects defending their property in their own houses.

4th. Through the means of these men headed by yr. clerks or the clerks of the N. W. Co., such as Cuthbert Grant, Charles Hesse, Bostonais Pangman, William Shaw and others of burning a fort, a mill, sundry houses, carts, ploughs and instruments of agriculture belonging to the said infant colony.

5th. Of wantonly destroying English cattle brought here at an immense expense and of carrying off horses, dogs, and other property to a large amount.

The horses were collected in your own fort and distributed by yourself and your partner Mr. A. McDonnell, to those men who had most distinguished themselves in the above act of robbery and mischief.

6th. Of encouraging Indian tribes to make war upon British subjects attempting to colonize, representing to them according to their ideas that cattlemen would spoil their lands and make them miserable, and expressing your hope they would never allow it.

7th. Without unnecessarily multiplying charges it appears now by your own letters that you were making every preparation to renew the same atrocities this year, if possible on a more extensive scale, collecting the Halfbreeds from points still more distant than before and endeavouring to influence both their

[1] See Laut *The Conquest of the Great Northwest*, pp. 200-1.

rage and avarice by every means in yr. power. You even breathe the pious wish that the Pilleurs may be excited against us here saying "they may make a very good booty if they only go cunningly to work."

Such are the principal charges you will be called upon to answer. It would be easy but at present unnecessary to swell the catalogue with minor but serious accusations and however much a long residence here may induce you to consider them of small importance, depend upon it they will be viewed in a very different light by a British jury and a British public.

The whole mass of intercepted papers now in my hands appears to disclose such wicked principles and transactions that I think it my duty to forward them to be laid before His Majesty's ministers by the director of the Honourable the H. B. Co. I am preparing a letter to the agents and proprietors of the N. W. Co., advising them of this my resolution and the motives wh. have determined me to it, a copy of wh. shall be handed to you meantime.

I remain, Sir,

ROBERT SEMPLE.

D. Cameron, Esqr.

(*f*) ALEXANDER MACDONELL.

1. Suggestions regarding Judicial arrangements, June, 1818.[1]

Till the establishment of a legal Judicature, it is desirable to fall upon some regular plan for deciding differences between the Settlers by Arbitration. Whenever the parties can be induced to agree upon one or two of their neighbours to judge between them that will be the best and simplest way. But when the parties are unreasonable and intractable, it may have a good effect to call them before something like a regular Court. Certain fixed days may be appointed upon which four or five of the principal persons belonging to the Settlement should meet in the manner of Justices of Peace, notice being given that all who have any business to settle are to come before them at the appointed day. Previously to the day of meeting a number of the ordinary unconcerned settlers should be summoned to assist in the manner of Jurymen, and for each case that is to be determined a Jury should be selected and sworn to decide the case fairly and impartially between the parties.

[1] Dominion Archives. Selkirk Papers, XIX, 6290-3.

This method would have the advantage of taking away any pretext for a discontented individual to accuse his superiors of partiality or favouritism, or to say that his case had not been fairly judged. With a view to this important object, it would be desirable, that the same method should be applied as far as possible to the decision of any questions which may arise between particular settlers and the persons in charge of the settlement. This might be dangerous in some cases, where the other settlers might consider the decision as forming a precedent for their own case. But it is to be hoped that by prudent management such questions may be in a great measure avoided; or at least prevented from going so far as to require a formal decision.

The gentlemen, who form the Court or Bench ought to preside and conduct the trial in each case, taking care that the Witnesses on both sides are properly examined, and that each party has a fair opportunity of saying what he has to say. But after the parties and witnesses have been heard, it should then be left to the Jury to decide.

It would be inconvenient to make the Jury so numerous as in England and in fact seven or five men are quite as likely to decide properly as twelve; but care must be taken to avoid every suspicion of partiality in the selection of the Jury. There is a method used in some particular cases in England, which is excellent in this view. A number of names taken promiscuously are written on tickets and put into a ballot box, out of which are drawn a certain number, double or treble the number that are to remain on the Jury. A list being made of the names that are drawn out, each party has a right to strike out those against whom they consider as most likely to be partial against the two partys, alternately striking off one name after another till the number is reduced to the proper quota.

Such a tribunal as this, having no legal authority to enforce its decisions, it may be advisable, before entering into the trial of each particular case to make both parties publicly give a solemn promise to abide by the decision. If any individual should either break this promise or obstinately refuse to give it, there is a punishment, which may be held over him, as to the legality of which no doubt can be entertained, viz: that he should be sent to *Coventry*. When this is effectually done it is no slight punishment even in a civilized country but in a situation like yours it would be doubly severe. The individual who refuses to submit to the judgement of his neighbours

has no right to expect that his neighbours should assist and protect him; they have a right to say that he must defend himself by his own efforts; that he is fair game to anyone black or white, who is not afraid to make a prey of him and that if his property be stolen or even his life endangered, it is no concern of theirs to repel or to punish the aggression. This principle ought to be applied with moderation so as not to drive a man to despair, or tempt him to throw himself into the ranks of the enemy's but without carrying matters to the last extremity, a refractory individual may be made to feel that he gains nothing by setting himself against the united opinion of all his neighbours.

In order, however, that you may carry the opinion of the settlers in general along with you and that any resistance to the decisions of the proposed tribunal may meet with marked and general disapprobation, it is necessary not only to be very careful as to the mode of conducting business before them, but also to explain beforehand to the settlers at large the plan and purpose of the Institution, so that they may be fully satisfied of the general benefit which is to arise from it, and even of the necessity of such Institution for the protection of their lives and property.

2. Appointment of Alexander McDonell as Agent in Assiniboia, Feb. 24, 1820.[1]

Pau, 24th Feby, 1820.

Dear Sir,—

Understanding that arrangements have been made by Mr. Colvile in my name for your returning to Red River, to take charge of my affairs, as proposed in your letter of November 8th, [I] hereby appoint you as my agent to take charge of all affairs that concern me in Ossiniboia, authorizing you as my lawful Attorney, to settle accounts that are open and to recover debts due to me and to grant discharges to those who pay which I shall hold valid. I also authorize you to contract for the disposal of lands at Red River to actual settlers to an extent not exceeding five hundred acres to any one family, except in the cases particularly specified in certain Instructions which

[1] Dominion Archives. Selkirk Papers, XX, 6743.

will be handed or transmitted to you by Mr. Colvile. Bargains for a larger extent may be made conditionally subject to my approbation when the particular circumstances of the case shall be made known to me.

I am,
Dear Sir,
Yours etc.,
SELKIRK.

To
Mr. Alex. MacDonell,
late
Kennlock,
Lochy.

8. Memorandum of guidance as Agent for Selkirk's Executors, 1821.[1]

Supplying the people with goods on credit.

Hitherto the only rule upon this head seems to have been the ability of supplying goods to the extent of the demand without reference to the conduct of the applicants, their means of paying the debt, or their industry and attention to their farms. —This wasteful and absurd system must entirely cease; and in future the general rule must be the means of the party to pay the amount, from the state of his account, labour that he may have performed, or produce of grain etc., delivered into store.—

There of course must be *exceptions* to this rule in the case of persons who may have entered into contracts to perform certain services to whom credit may be given to the amount of the money coming to them—if they can be trusted to perform the services stipulated.—

Also in case of industrious families who may be in distress from failure of crops, but the amount of credit must be moderate. And also in the case of persons in distress even from their own misconduct; but in this case the supply should be limited to *absolute necessaries* only and their general habits of industry and prospect of amendment should be taken

[1] Dominion Archives. Selkirk Papers, Vol. XXI, XXII, pp. 7153, seq.

into consideration. For it is universally true that when people find they are fed and clothed whether they are industrious or not, they will not work at all, or only as much as to save appearances. It is expected that Mr. McDonell will not through any hope or desire of popularity among any or all classes of settlers deviate from this most essential rule,—a steady and *impartial* conduct in this respect can alone secure the well doing of the people themselves, and if it is not most strictly attended to the executors will be unable to send out any goods or give any credit upon the Company's Stores.

Price of Goods.

A fair and reasonable calculation must be made of the cost of the transport from York Factory. Mr. Pritchard will assist in this. The mode of doing it is to take the cost of a boat for the trip to York Factory in wages, provisions and tear and wear. Divide this among the number of pieces which the boat carries. Each article must be reduced into a piece and weight of 100 lbs. or p. measurement as the case may be and the boats cargo supposed to be assorted partly heavy, partly measurement goods. It will thus be easy to ascertain the cost p. piece and after adding what may be moderate and reasonable for the risk of damage according to the article, the sum per pound or p. yard etc., may be correctly ascertained and thus a regular tariff or table made out of the cost of carriage. A certain addition of perhaps five per cent on the general invoice value of the article should be made to cover the expense and waste which must attend the retailing the goods at the shop. These being added to the prices of York Factory of the invoices of the year ought to constitute the selling price of the shop at Red River.

When no credit is given or only to a reasonable amount and to industrious and trustworthy people, the price ought to be the same to all; this will put an end to all jealousies and distinctions among the different classes of settlers. In doing this however, the price, given for labour or articles supplied to the store, ought to be in proportion and though there may at first be some difficulty and perhaps a little loss in bringing down the nominal

prices to the standard, it will soon be accomplished by steadiness and perseverance. This object ought to be kept in view though it cannot be attained at once. One benefit from this will be discouraging or putting an end to all desire among the freemen & Canadians for an intercourse with Canada which is most desirable to put a total stop to.

Allowance to Officers or Gentlemen of ⅓ in goods

This must on no pretence whatever be continued after the first of June, 1821 and if entered to credit of any one Mr. McDonell will be held responsible by the Executors for the amount.

Bills to people to whom money may be due.

When bills are required on Montreal a charge of 10 p. cent must be made to the party requiring the bill to cover the expense of commission and charge by the agents at Montreal. Thus if £100 Stg; is due to any person and he required payment in a bill on Montreal he must discharge or give a receipt for the amount upon receiving a bill an Maitland, Garden and Auldjo for £90 Stg. and so in proportion on any other sum. In the case when payment is required by a bill upon London it is to be drawn on the following form and at six months after sight,—

Red River.....of.....182..

£....

Six months after sight pay to the order of ..... the sum of..... pounds etc.,..... being .....(balance or on account of balance as the case may be) due to him from the Red River Settlement.

Signed A. McD.

To
Andrew Colvile,
Ex'r of Thos., Earl of Selkirk,
Leadenhall St.,
London.

Mode of supplying goods to the colony

This year and in future until arrangements can be made for private individuals to open stores for goods as in other Colonies, the goods will be shipped by the Executors and consigned to Mr. McDonell and invoiced at the 75 per cent advance to cover the expense of packages freight insurance and other

charges to York Factory, but it is hoped that individuals will soon undertake this business on their own account. Under the new arrangements made for carrying on the trade of the Hudson Bay Company, it will not be convenient to get supplies of goods from their stores as has been the case for some years past; but for this present year if there are any articles at York Factory which *are required for the settlement* which have been sent out with that view, arrangements may be made with Govr. Williamson to take them on account of the settlement, before he makes up the inventories for the new arrangement of the trade. Mr. McDonell will therefore make out his indent with reference to this plan on as moderate a scale as possible considering at the same time, what supply of goods may be at the settlement or expected to be brought by individuals on their own account, and indenting for the supply of those people only who have a right to expect the executors to see to this. The executors do not wish to carry on a trade of supplying the freemen or others, they may apply to the Coy's stores for their goods ;and the executors are anxious to get as soon as possible out of the system of Mr. McDonell supplying the people generally with provisions an dgoods, which is extremely troublesome and expensive, as it seems to be the general impression that it is not necessary to pay their debts of L'd Selkirk or at least not until it may be perfectly convenient to themselves. But there must be an end of this.—

Price of labor and trip to York Factory.

When there is occasion to employ people to go to York Factory or for any other object a reasonable rate of wages must be fixed, so as not to be extravagant, at the same time to afford an encouragement to the people to work. By reducing the price of goods to the freemen you may probably hire them on reasonable terms for the boat service; and if you find a difficulty in getting people to go to York for the settlers this year you must call upon those who are in debt and if they refuse to go, you must not allow any more credit, when they want goods they must bring money or money's worth

before they are supplied. This will soon bring things to a proper state.

Accounts. Besides the book containing the personal accounts and those with the H. B. Co., a statement must be made out 1st, of the amount of salaries and wages of the Establishment. 2nd, of the articles consumed on the establishment, both provisions and country articles as well as European goods. 3rd, of goods traded for provisions and other articles and 4th, the disposal of these provisions, etc. In the accounts sent home of Mr. Logan's transactions it does not appear in what manner the enormous amount of goods have been expended; and in the account of the provisions post at Pembina after allowing a high price on the provisions sent to the forks, there appears a loss of £——— without charging the wages of the men employed. Now it is notorious that at the price put on the provisions, the wages an dgoods ought both to be covered at least, and the only conclusion to be drawn under these circumstances is that the goods have been fraudulently appropriated or in plain terms, stolen. Mr. McDonell is desired to enquire minutely into this and to inform Mr. Logan that the amount is charged to his account until he shall explain the business in a satisfactory manner. He is also charged with the amount so very improperly advanced on credit to Mr. Nolin until he shall shew his authority for giving credit to Nolin to such an amount. Mr. Markham was in charge at Pembina but it was Mr. Logan's duty to see that he applied the goods properly, and both Mr. Markham and Mr. Logan must be held responsible.

Swiss settlers. There will be 250 or 260 persons of all ages of whom 60 will be under 10 years of age or thereabouts, and their baggage will be 200 or 250 pieces. It is exceedingly desirable their baggage should be brought up with them, indeed promises have been made to them that this will be done, and if these promises are not kept the whole plan will fail. A considerable number of lots ought to be surveyed ready for them, containing at least 10 acres of wood in each. A good situation should be fixed upon a

few miles up the south branch of the river and they may be allowed to cast lots and take their choice of the situations. The intervals will be filled up by their connections who will follow, and if the people wish it themselves separate villages may be marked out by the people from different cantons in Switzerland. A point or bend of the river should be selected to form a village and be divided into smaller lots of 20 acres each for the tradesmen and the rest of the families may be settled north and south from the bend or point of river. If the people do not wish to settle on these 20 acre lots at first, the point must be reserved for the present, as it is the natural and proper arrangement and when there are a sufficient number of people collected the tradesmen will settle on these lots.

Cattle from the States.

After Mr. Laidlaw has selected as many of these cattle as he thinks necessary to stock the farm of Hayfield, the remainder may be sold to those who can pay for them and who are willing to pay the same price as the cattle have cost including all expenses. Those that may still remain are to be divided on credit among the most industrious settlers of the different classes who may be considered to have the ability and means of taking proper care of them. The German and Swiss will probably take the best care of them and make the most of their produce, but a fair division ought to be made among those likely to pay for them to avoid creating jealousies. It will probably be found that the buffalo when tamed are sufficiently good milkers as well as the best workers, and if so they are the best stock, being the most hardy and adapted already to the climate. The cattle divided among the settlers who have not the means of paying must be considered on credit at the cost price; or an arrangement made that double the number of full grown cattle are to be restored at the end of four years. If it should happen that the whole number can not be properly disposed of in some of these ways, then Mr. Laidlaw must take the remainder to his farm and manage them in the most profitable manner.

Merino Sheep.

Fifteen ewes and 5 rams of Merinos producing the finest wool will be sent by the ships. They

have been imported from Saxony at some trouble and considerable expense, and it is expected that Mr. Laidlaw will take due care of them. When the intercourse from the Mississippi is safe and when the sheep can be procured at a price not exceeding 40/ each delivered at the settlement, one or two hundred ewes may be procured. It does not signify what breed they are. If they get the pure Merino rams and if all the ram lambs are cut of the cross breed for four or five generations, the wool will become as fine as the original Merinos. The dry soil and dry climate of Red River is admirably adapted to produce fine wool; but as winter provender must be provided of hay or corn, and considerable attention will be required to protect them from wolves and Indian dogs, it is only a large flock that will pay; but it is an object well worth Mr. Laidlaw's attention and it is expected that he will take great care to preserve a pure of the Merino. Long, low, covered sheds kept clean and dry will be found best for winter and the easiest protection against dogs at night. In Saxony where great pains is taken for the sake of the wool they always house their sheep in *wet* weather.

Grasshoppers.

It is to be feared these animals will do much mischief this next summer, but it is to be hoped that wherever they were known to have deposited their eggs that no cultivation has been attempted. In this way many of the grubs will die and if the land is ploughed once or twice it will be in fine order for the next crop. When these animals appear from the plains, notice should be taken where they deposit their eggs that no cultivation may be attempted there the next season, and persons should be sent to different places to discover where the grasshoppers have not appeared or deposited eggs; and men and horses ought to be sent there in the autumn to plough as much as possible in preparation for the following summer, at all events even in the spring fresh ground may be ploughed for potatoes, and if ploughed deep and the turf is well turned in, even wheat and barley may be grown enough to preserve a succession of fresh seed. It appears that Indian corn and the most

forward crops escape best and it is probable that winter sown wheat will do still better. Wheat is a hardy plant and though the frost may be very severe if a fall of snow happens before a thaw comes it is found not to be injured; there can therefore be little doubt of its answering at Red River. The wheat ought to be sown by the first of September at the latest so as to be pretty strong in the plant before the severe frost occurs, perhaps it will require to be sown earlier, and the more rough or cloddy the ground is left after being harrowed the better, provided there is enough of small mould for the seed to vegetate,—a trial should be made in several ways and the most successful followed in future. Some may be ploughed in and left unharrowed which plan answers well in this country in land which is apt to spew out the wheat in frosts.

American lines.

If the Americans come to Pembina and claim it as within their lines before the Commissioners get so far, the best plan of conduct will be to say that the fact cannot be admitted until settled by the Commissioners, but that if they consider the situation of the buildings at Pembina a desirable one you will make no objections to their occupying them on their engaging to retire and restore them if found to be not within the American lines,—and on their engaging to pay, dollars for the buildings and dollars for the land which they may require or chuse to occupy as the property of the American government in the event of the situation fixed upon being within the American lines. This latter arrangement ought to be attempted whether they select Pembina or any other for their Fort.—The amount of price does not signify, the object being to obtain a distinct recognition of the right of of property—but something like a value ought to be asked, say, half or three quarter dollar per acre, and a reasonable price for the buildings though you you need not stand out for a price. The whole should be done by letters and the expressions well considered before you send them. Capt. Matthey will assist in this, being more used to official correspondence, but the letters ought to be

signed by Mr. McDonell as the authorized agent of the Executors of L. S. or a formal authority may be given to Capt. Matthey, to make the arrangement with the American officer if this mode is more agreeable to Capt. Matthey.

Mr. Cuddie seems to have little prospect of making much by his practice, and in the meantime if he remains at Red River he is to be considered as entitled to live at the Fort, at the expense of the establishment. The executors cannot allow any more salary but the greater appearance of a rapid increase of numbers at the settlement may tempt him to remain some time longer. Mr. Cuddie. Rents and prices of lands.

With all deference to Mr. Gales' experience and judgement the executors for the present, at least, wish the terms of 9/ p. acre with the discount for prompt payment when purchased and the number of bushels of wheat for rent as mentioned in the paper given to Mr. McDonell to be adhered to. To those who rent lands if from grasshoppers or other circumstances they do not get on with their cultivation at first, they may have two years without rent, and then the third year pay ten bushels—the fourth year twenty and so on until they come to fifty bushels for the 100 acres—and as an encouragement to the Swiss people who may be alarmed at the grasshoppers and the difficulties of first settling, this indulgence may be given them at once. These rates to be considered the fixed price and at these prices the parties to have their choice of a number of lots; but none to be sold for less. The intervening lots to remain unoccupied and when the neighbouring families begin to thrive these rejected lots will become of more value than the others.

The above prices for lots not exceeding 500 acres but to those who take larger lots and engage and have the means of bringing in a certain number of families, the price will be made considerably lower. Surveying.

In laying out the lots a base line ought to be taken and marked out parallel to the general course of the river without reference to the bends or points —and the boundary lines between the lots must be

Surveying. drawn at right angles to this base line, to the river on one side and to the extent of the Indian grant or two miles back on the other. In this way some of the lots will contain a little more than others and the price will be more or less accordingly,—but all must have a front of 8 chains on the base line,—the large points of land included in the bend of the river may be reserved to be divided into small village lots of 20 acres with a street or road down the center; and at convenient distances a reserve of ⅛ of a mile in front must be left for a free communication with the river from the plains.—These last reserves will in time become valuable as after leaving space enough for a road, streets or villages will be built on them.—As the surveys are made they must be laid out upon paper on a regular scale and all numbered on the map and a book kept of the disposal of the lots with reference to the numbers.—The six miles radius round the forks ought to be divided into four parishes or townships, the part on the north of the Ossiniboine or west branch of the Red River and to the west of the main river after the junction will form one parish. The part on the south of the Ossiniboine and west of the south branch of the Red River will form another, and the part on the east side of the river must be divided into two portions by any convenient line running east from the mouth of the river Seine or any other convenient and well marked spot,—so as not to divide any occupied lot or grant of land into two separate parishes.—Appropriate names (not fanciful or personal names) ought to be given to those townships and the lots in each numbered and marked on the plans from one upwards in each.—In other places every five miles including both sides of the river ought to be considered a township, the limits marked distinctly, and a reserve or roadway left between each.—One copy of these plans and book of reference must be kept in a distinct and accurate manner at the settlement, and a certified and compared copy sent home annually of the progress made in the surveys, a copy both of the map and book of reference. The book of reference must contain

the exact quantity of acres in the lot and the name of the person who first occupies it; and a page being allowed to each lot. A regular note of the date and name of the person to whom the transfer is made may be kept and form a distinct register. Surveying.

4. Extract of letter from John Pritchard to Andrew Colvile. Aug. 31, 1821.[1]

"You may see the necessity of giving to this colony that kind of government and consistency as will prevent the recurrence of serious alarms, upon such trifling occasions, and which in our present state may often happen.

A Code of Laws, and a Governor Semple to administer the same, is the only thing necessary to secure the peace of this country, and the prosperity of its inhabitants. If you cannot obtain the sanction of government the Hudson's Bay Company perhaps would take upon themselves to administer justice in their own territory."

5. Extract of letter from George Simpson to J. Halkett. June 23, 1822.[2]

"A change in the administration was absolutely and immediately necessary to save the whole fabric from destruction. Mr. McDonell was zealous and interested, but unfortunately had neither the capacity nor influence of character required for such an important charge, and the change will not I believe either surprise or disappoint him, as he began to feel that he was not adequate to the duties of the situation."

(*g*) ANDREW BULGER.

1. Terms upon which Andrew Bulger will undertake the charge of Red River Settlement. Feb. 21, 1822.

I agree to undertake the principal charge of the settlement for the first year for £250. In which case, I shall, of course, attend to everything connected with the welfare of the settlement, the militia alone excepted, which shall always be considered a distinct service to be conducted and paid for in the way which I have already proposed.

The commission of Major if granted by the H. B. Company will give me all necessary authority in matters relating to the militia, but some sort of commission or authority

[1] Dominion Archives. Selkirk Papers, XXII-XXIII, 7359.
[2] Dominion Archives. Selkirk Papers, XXIV, 7665.

must be given me to assume the charge of the settlement, and it shall be clearly understood before I leave England how far I shall be authorized to incur expense and carry into effect measures which I may deem essential to the good of the settlement.

A person shall be named by you, or I shall be authorized to appoint one at Red River, to do the duty of registrar and keep the accounts (under my immediate inspection) from the time of my assuming the charge of the settlement until the arrival of the person who may be appointed to succeed me in that charge. When I shall myself enter upon the performance of those duties, upon the conditions which I have already proposed; and, although I have objected to being bound by any other terms, yet it never was my intention to withhold,—on the contrary, I shall always most cheerfully give my assistance and support to the person at the head of the settlement, not only in matters relating to the Indians, but in every thing conducive to the general good.

A. B.
21 February, 1822.

2. Appointment of Andrew Bulger to the charge of Red River Settlement, by A. Colvile. March 27, 1822.[1]

London, 27th March, 1822.

Sir,—

I hereby authorize you to take charge of the Red River Settlement and of all the affairs of the estate of the late Lord Selkirk in Rupert's Land, to claim and take possession of all papers, books and property of every description belonging to the said estate or to the executors and trustees of the late Earl of Selkirk, also to recover all debts due to the said estate or to the said executors and trustees by any persons in Rupert's Land and to give the necessary receipts and discharges in the said matters.

I am,
Sir,
Your most obedient servant,
A. COLVILE,
Executor and Trustee of Thos.,
Late Earl of Selkirk

Andrew Bulger, Esqr.,
Etc.

(1) Dominion Archives, Bulger Correspondence II., M. 150, p. 58.

3. The Commission of Andrew Bulger as Governor, Locum Tenens of Ossiniboia. March 27, 1822.[1]

To ANDREW BULGER, Esquire, hereby appointed Governor Locum Tenens of all and every part of Ossiniboia.

BY Virtue of the Charter to us given by King Charles the Second by His Letters Patent under the Great Seal of England bearing date the Second day of May in the 22nd year of His Reign, WE DO HEREBY APPOINT YOU, Andrew Bulger, Esquire, Governor Locum Tenens of all and every part of Ossiniboia being part of our Territory of Rupert's Land, to exercise all the powers and to perform all the duties which under the said Charter may be by Law exercised and performed.

AND you are to observe and follow all such orders as from time to time you shall receive from us The Governor, Deputy Governor and Committee of the Company of Adventurers of England Trading into Hudson's Bay or our Successors for the time being or from Governor for the time being of our Northern or of our Southern Factories of Rupert's Land.

GIVEN under our Common Seal at our House in London this Twenty seventh day of March One thousand eight hundred and twenty-two.

By order of the Governor,
Deputy Governor and Committee.

WM. SMITH, *Sec'y.*

4. Resolutions passed at a General Court of the Hudson's Bay Company...May 29, 1822.[2]

Resolved,—That there shall be appointed two Governors and a Council who shall have authority over the whole of the Company's Territories of Rupert's Land in North America.

Resolved,—That when both the Governors shall be present, the senior shall preside.

Resolved,—That any one of the Governors together with any two of the Council shall be competent to form a Council for the administration of justice and the exercise of the powers vested in them by the Charter.

Resolved,—That there shall be appointed a Governor of

[1] Dominion Archives. Bulger Corr., II, M. 150, p. 76.
[2] Dominion Archives. Bulger Corr., M. 152 C.

Ossiniboia and a Council for the said District, which is co-extensive with the Territory granted to the late Thomas, Earl of Selkirk on the 12th day of June 1811, and the said Governor with any two of his Council shall have the same power within the said District, but when either of the Governors of the Company's Territories shall be present he shall preside, and the power of the Governor of Ossiniboia shall be suspended when either of the said Governors shall be actually present for Judicial purposes.

Resolved,—That a Sheriff shall be appointed for the District of Ossiniboia and two Sheriffs for the remainder of the Company's Territories.

Resolved,—That in case of the death or absence of any Councillor or Sheriff, the Governors respectively shall appoint a person or persons to do the duty of the office until the pleasure of the Company shall be known.

Resolved,—That William Williams Esquire and George Simpson, Esquire, be appointed Governors of the Company's Territories, and that William Williams be the senior.

Resolved,—That the following gentlemen be Councillors of the Governors of the Company's Territories, viz.: Thomas Vincent; John Thomson; John McDonald; James Bird; James Leith; John Haldane; Colin Robertson; Alex. Stewart; James Sutherland; John George McTavish; John Clarke; George Keith; John Dugald Cameron; John Charles; John Stewart; Alexander Kennedy; Edward Smith; John McLoughlen; John Daves; James Keith; Joseph Beioley; Angus Bethune; Donald McKenzie; Alexander Christie; John McBean.

Resolved,—That Andrew Bulger, Esquire, be appointed Governor of Ossiniboia.

Resolved,—That the following gentlemen be Councillors of the Governor of Ossiniboia, viz.:

Thomas Thomas; James Bird; Alexander McDonell; Frederick Matthey; William Hemmings Cook; John Pritchard.

Resolved,—That William Kemp[1] be appointed Sheriff for the District of Ossiniboia and that John Spencer and Andrew Stewart be appointed Sheriffs for the rest of the Company's Territories.

Resolved,—That the Governors in their respective Districts may enroll and arm such numbers of the Company's servants

[1] Dominion Archives. Bulger Corr., II, M. 150, p. 108.

and other male inhabitants of the ages from 18 to 45 as they may from time to time deem expedient for the defence and protection of the Settlements and of the lives and properties of the inhabitants and that they take the necessary measures for the proper regulation and discipline of the said force while embodied.

5. Letter from Lord Bathurst to Joseph Berens. . .May 31, 1822.[1]

Downing Street, 31st May, 1822.

Sir:—I have to acknowledge the receipt of your letter of the 29th inst., transmitting a copy of the Resolutions passed at a General Court of the Hudson's Bay Company, and to acquaint you that His Majesty does not deem it expedient to issue an immediate Commission under the Act of the 1st and 2nd Geo. 4th Cap. 66 entitled "An Act for regulating the Fur Trade and establishing a Criminal and Civil Jurisdiction within certain parts of North America", and until His Majesty shall constitute Courts and Justices under the said Act the Resolutions of the 29th instant appear well calculated to preserve the peace and good government of that part of North America under the jurisdiction of the Hudson's Bay Company.

I am, Sir,

Your most obedient servant,

(Signed) BATHURST.

Joseph Berens, Esqr.

A true copy.

(Signed) WM. SMITH, *Secy.*

6. Extract of Letter from A. Colvile to J. Halkett. May 31, 1822.[2]

"You will have to advise Bulger as to his conduct in regard to the Jurisdiction. If substantial justice is done and the punishments moderate the forms will not so much signify. Everything should be done in open court and juries sworn on proper occasions but I believe it is not necessary that the jury should be 12 if so many unexceptionable persons from the thinness of the population cannot be brought together."

[1] Dominion Archives. Bulger Corr., II, M. 150, p. 114. Colvile had already written Bulger that the appointment of magistrates and courts would take place forthwith. See Bulger Corr., II, M. 150, p. 83.

[2] Dominion Archives. Bulger Corr., II, M. 150, p. 125.

7. Extract of letter from A. Colvile to A. Bulger. May 31, 1822.[1]

"You will perceive by the letter from the Coy. that the Governors and their Councils are to administer justice according to the law of England under the provisions of the charter. There were some difficulties in establishing a practicable form by Justices etc., under the Act of Parlt. of last session and Lord Bathurst having given his sanction to the Ordinance passed by the H. B. Co., there is no doubt of the Governors being supported in the exercise of the jurisdiction and I trust no person will presume to cast any doubt upon it. I should hope you will not have many occasions of acting, but if you should, the punishments should not be severe. Solitary confinement for *short* periods is perhaps the best and cheapest.

You will of course command the military force of R. R. as Governor, and you may with the sanction of the Council call out any number of the population that you may think necessary."

8. Letter fom J. H. Pelly, Thomas Langley, A. Colvile and N. Garry to Andrew Bulger. June 1, 1822.[2]

To

Andrew Bulger, Esqr.,

Gravesend, 1st June 1822.

Sir:—Having understood that His Majesty's Government did not intend at present to exercise the Power given to them by the Act of last session of appointing Courts of Record and Justices of the Peace for Rupert's Land, we have thought it proper to take the necessary steps to enable the Governors and their Councils to administer justice under the provisions of the Charter and accordingly the Governor and Company at a General Meeting held on the 29th ulto., came to certain Resolutions of which a copy is inclosed; and as we consider it necessary for the protection of the Red River Settlement and of the Company's Territories in general as well as for the support of the civil power in cases of emergency that there should be some armed force regularly embodied, you will perceive that provision is made in the Resolutions for that object. We do not consider that at present it will be necessary to enrol and arm any body of men except at the Red River Settlement: but as the power of doing so is given to you it can be exercised

[1] Dominion Archives. Bulger Corr., II, M. 150, p. 121.
[2] Dominion Archives, Bulger Corr., II, M. 150, p. 130.

at any time when circumstances call for it, and when it is exercised you will appoint proper, trusty persons, as officers to command the men and report their names to us, that we may confirm the appointments if we see fit. These Resolutions have been communicated to His Majesty's Government and you will perceive by the inclosed copy of a letter from Lord Bathurst, dated the 31st May, that the above measures receive the unqualified approbation and concurrence of Government.

We trust no offences calling for a capital punishment will be committed, but should any such cases occur it will be better to transmit the parties with the necessary witnesses for the defence as well as the prosecution to Upper Canada for trial. The person to be tried should be required to give in a list in writing of the witnesses whom he thinks necessary for his Defence, that there may be no pretence for putting off the trial, or of complaining of injustice being done to them.

In trying other offences a Jury should be summoned; but where from the thinness of the population it is not practicable to get 12 impartial men a smaller number may compose the Jury, and when their verdict of Guilty is given, moderate and reasonable punishment should be awarded by the Court composed of the Governor and his Council. Perhaps solitary imprisonment for short periods will be the most proper and effectual. In civil or pecuniary disputes, it will be best to endeavour to induce the parties to settle them by arbitration, but if this does not succeed, the point should be settled by a Jury.

You will enroll and arm such number of the inhabitants at the settlement as you think expedient and appoint officers to command them under you, reporting their names for our confirmation, and you will employ some of the Meuron men in drilling the men, allowing them some reasonable pay, while so employed; and you will be entitled to draw pay at the rate of ten shilings per diem for yourself while the Corps may be drilling and embodied.

We are,

Your affectionate friends,

(Signed) J. H. PELLY, *Dep. Gov'r.*
THOMAS LANGLEY.

(Signed) A. COLVILE,
N. GARRY.

9. Extract of letter from A. Bulger to A. Colvile. July 25, 1822.[1]

"When I made my engagement with you I little thought I was doing what I would soon have cause to repent of. To my sorrow I now find that I gave up a comfortable situation, for a wretched subsistence,a life of slavery and of exposure to the insults and threats of some of the most worthless of God's creatures, in one of the most miserable countries on the face of the earth—for such, at present, is the Red River. It is not possible that you could have any idea of the horrible life which a man to be faithful to Lord Selkirk's interest must lead in this country. For my own part had I known but the 100th part of what I am now but too well aware of—no money would have tempted me to come out.

10. Extract of a letter from A. Bulger.[2]

"And now, Sir, there is a subject of such infinite importance involving even the very existence of this colony that I must beg leave to draw your most serious attention to it. I allude to the absence of all power, either to correct the evil which is among ourselves, or to ward off the danger with which we are menaced from without. By far the greater part of our population, I am assured, are sunk in vice and depravity, and daring enough to despise our laws, and openly to defy our magistrates. The well-disposed part of the community have seen with sorrow and alarm, the march of wickedness among them, but could not, without endangering their persons and property, attempt to arrest its course. Even now, no one can be found to interpose and act as a magistrate, to such a frightful height has the evil grown. In short, it is useless to attempt to evade the question. Nothing but the presence of a military force to aid the civil power can prevent the country from becoming very soon a den of thieves, for no honest man will remain in it. While such is the internal state of the settlement, it must be a matter of deep concern to you to learn that it is in danger of being attacked by the Sioux.

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[1] Dominion Archives. Bulger Corr., II, M. 150, p. 167.
[2] Dominion Archives. Bulger Corr., II, M. 150, p. 195.

11. Extract of letter from J. Halkett to A. Bulger. Aug. 19, 1822.[1]

"You will find by the Papers I shall send that a Council has been appointed for the present to assist you in judicial matters under the terms of the Charter. When I go to England, I shall recommend that *Mr. West* and *Mr. Logan* be joined to it."

12. Extract of letter from A. Bulger to A. Colvile (?). Sept. 8, 1822.[2]

"Indeed I tremble for the consequences to Ld. S's Estate if you do not send out troops to enforce the execution of the laws. For what can be expected of dishonest paupers, such as the great majority of the settlers are, when there is no jail, no magistrate, and no power to restrain their evil propensities. I am myself quite sick of living among such people."

13. Extract of letter from A. Bulger to the Bishop of Juliopolis. Sept. 10, 1822.[3]

"There is one condition annexed to all grants of land in Ossiniboia which is that the grantee shall settle upon the land and cultivate a certain portion of it. A large proportion of the present settlers are to receive their allotments gratis. Many of the Canadians are bound by their engagements to pay an annual rent of five bushels of wheat per hundred acres and this rent can neither be raised nor lowered. Their engagements contained a stipulation that they might at any time purchase their land (that is the 100 acres) by paying 200 dollars. A new regulation with respect to the price of land has however been established, the benefit of which may be extended dto them, it they should be disposed and have the means to purchase. The price new fixed is five shillings sterling per acre. The rent to be paid by all new settlers, including the Swiss, is as follows:

The 1st and 2nd year, no rent will be demanded.

The 3rd year, the rent will be 10 bushels of wheat per hundred acres.

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[1] Dominion Archives. Bulger Corr., II, M. 150, p. 244.
[2] Dominion Archives, Bulger Corr., II, M. 150, p. 311.
[3] Dominion Archives, Bulger Corr., II, M. 150, p. 315.

The 4th year, 15 bushels of wheat per 100 acres.
The 5th year, 20 " "
The 6th year, 20 " "
The 7th year, 20 " "
The 8th year, 20 " "
The 9th year, 20 " "
The 10th year, 20 " "

At the expiration of the 10th year from the first occupation of the land, the rent will be subject to new Regulation.

When a settler shall have paid for his land and fulfilled the conditions of settlement, upon which it was granted to him, he will be at liberty, if not indebted to the Earl of Selkirk Estate, to sell or dispose of his land with its improvements to whom and in what manner he pleases, and I am not aware of any " droits " to be paid by him upon so disposing of his own property.

14. Minutes of the Council of Assiniboia. Dec. 4, 1822.[1]

Forks of Red River, 4th Dec. 1822.

At a meeting held this day by Captain Bulger and his appointed Council now resident in the Colony. We are of opinion that it is necessary that an express should be sent to London, to inform the Honorable Committee of the Hudson's Bay Company and the Executors of the late Earl of Selkirk, of the circumstances which have of late occurred in the colony and of its present situation.[2]

(Signed.) ANDREW BULGER.
THOMAS THOMAS.
ALEX. MACDONELL,
W. H. COOK.
JOHN PRITCHARD.

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[1] Dominion Archives. Bulger Corr., II, M. 150, p. 400.

[2] This refers to the punishment of an Indian for attempted murder and to the endeavours of the Company's officers to prevent the settlers from securing animals and supplies from the natives. The situation is described in part in a letter from Captain Bulger ,dated December 14, 1822. (Bulger Corr. M. 150, II, 423.)—14th December, 1822. Illness has prevented my closing my letter until this day, and now all that I am capable of doing is to recommend to you:

1st. To get Courts and Magistrates nominated by the King.

2. To get a company of troops sent out to support the magistrates and keep the natives in order.

3rd. To circulate money.

4th. To find a market for our surplus grain.

15. Deposition of Pierre Perronne before Governor Bulger. Jan. 27, 1823.[1]

District of Ossiniboia }
Rupert's Land. }

Pierre Perronne of Pembina in the District aforesaid personally appeared before me and being sworn deposes that on or about the 5th day of November 1821 he, the Deponent, placed certain Articles his, the Deponent's, property in the hands of Xavier Dugal and Alexis Trempe in Pembina aforesaid to be taken care of and to be returned to the Deponent upon demand thereof. That he has demanded of the said Xavier Dugal the restoration of said property, that said Dugal has refused to restore the same, and that he the Deponent has reason to believe that a part of said property is now concealed or deposited in the house of a man name "Paye" in Pembina aforesaid.

PIERRE PERONNE.

Sworn before me at Pembina in the District aforesaid the 27th day of January, 1823.

A. BULGER,
Govr. of Ossiniboia.

Witnesses, Wm. Kempt.
Jno. Allez.

16. Warrant issued by Governor Bulger. Jan. 27, 1823.[2]

To John Allez, Esquire.

District of Ossiniboia }
Rupert's Land. }

Information upon oath having been this day given to me by Pierre Perronne of Pembina in the aforesaid District that

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5th. And let it be determined whether the Council at York Factory are justified in preventing the settlers from buying moose or deer skins for clothing and provisions.

It these things cannot be done, it is my sincere (it may be my last) advice to you to spend no more of Lord Selkirk's money upon Red River.

Believe me to be, with great respect, Sir,
Your most obedient servant,
A. BULGER.

[1] Dominion Archives. Bulger Corr., III, M. 151, p. 19.
[2] Dominion Archives. Bulger Corr., III, M. 151, p. 20.

he has reason to believe that certain articles appertaining to the estate of the Earl of Selkirk which were unlawfully obtained by Xavier Dugal and Alexis Trempe on or about the 20th day of October last, are now concealed or deposited in the house of a man named "Payé" in Pembina aforesaid. This is, therefore, to authorize and require of you to proceed with proper assistants, to the house of the said "Payé" and there to make strict search for the said property and to cause the same, if found, to be brought to me. Hereby commanding all His Majesty's subjects to be aiding and assisting in the execution of this Warrant, as they shall answer for the contrary at their peril.

Given under my hand and seal at Pembina in the District aforesaid the 27th day of January, 1823.

ANDREW BULGER,
Govr. of Ossiniboia.
L.S.

17. Examination of John Dubach by Governor Bulger. Feb. 10, 1823.[1]

Forks of Red River,
Fort Douglas, 10 Feb. 1823.

Examination of John Dubach, a Swiss inhabitant of this Settlement, taken by A. Bulger, Esquire, Governor of Ossiniboia, in presence of Mr. John Allez and Mr. Paul Reynberger.

Quest.—I have heard that you intend leaving the Red River Settlement. Is it true?

Ans.—Yes.

Quest.—What are your reasons for leaving it?

Ans.—Because we cannot live here. We were told in Switzerland, in the prospectus, that this was a fine country but we see that it is not such. The land is good, and in good seasons we might raise wheat, barley and potatoes, but not hemp having tried it. All vegetables freeze here. We cannot live upon potatoes and barley and the goods are too dear. In three or four years I should be in debt more than I ever should be able to pay. I am not strong enough to go to the plains in search of meat. I am not accustomed to that kind of life. I have five boxes and one bale still remaining at the sea. Here

[1] Dominion Archives, Bulger Corr., III, M. 151, pp. 26-28.

is an account of what I have there, with the value. I will give up the keys before I go.

Quest.—When did you make up your mind to leave this country?

Ans.—Last fall.

Quest.—In what way do you propose to depart?

Ans.—Louis Nolin has promised to take me, my wife and child, my father and mother, to the Mississippi for two hundred Dollars. Descombes is going with us. I know of no others. I have heard that Scherman is going, but I am not certain. I gave Louis Nolin in payment all I had, cloth, clothes, a cow and some hay. I have now nothing remaining. Some of the articles including the cow I received here from the Colony. I would not have sold the cow if my family had been furnished, as we were promised, with food during the first year, or even if my property had been brought up this year from the sea. I laid out forty three louis d'ors during the last winter for provisions for my family. I paid different prices to Mr. Bird of the Hudson's Bay Co., for provisions. In the fall I paid a French crown for ten pounds of dried meat. In the spring I paid a crown for five pounds dried meat, and the same sum for four pounds of fat. I paid also in hard money to Mr. Bird fifteen shillings for half a bushel of pease, a crown for ten small fish, and two crowns for a pound of tobacco. I laid out altogether with the Hudson's Bay Co., about twenty-five louis d'ors.

Quest.—When do you intend leaving the Red River Settlement?

Ans.—I shall depart in the spring as soon as Louis Nolin is ready. My father is fifty-nine years, my mother fifty-two. I have a wife and a child about 3 yrs. old. It is very hard for us to be obliged to undertake such a dangerous journey. C'est un grand malheur pour nous to have been deceived about this country. We know that we must suffer a great deal of misery to get out of it. We may perish on the road, but I had rather die at once than live in continued misery.

Quest.—What will you do upon the Mississippi? I am quite sure, from my knowledge of that country, that you will not obtain a living there.

Ans.—We cannot help it. We must beg charity. I have some relations near Pittsburg on the Ohio and I will try to get there. If I do not like that country I will endeavour to make a little money to take my family to our own country. It is now

three years since my relations wrote to me to come to the Ohio, and I intended going to join them when I saw Mr. de May's prospectus about the Red River Colony and I then made up my mind to come to it. That prospectus made such a noise in Switzerland, that the whole population would have come out to this country if they could have had time to sell off their property. I was myself a farmer, I owned eighteen cows, one horse, ten sheep and other domestic animals. I sold off all by public sale to come to this country. I paid to Mr. de May near fifty pounds in money for the passage of my family and my father and mother to Red River. Mr. de May wanted me to give him a louis d'or but I would not.

18. Minutes of the Council of Assiniboia, Feb. 18, 1823.[1]

Minutes of a Council held the 18th day of February, 1823, at the Red River Settlement in the District of Ossiniboia, in Rupert's Land.

PRESENT:

Andrew Bulger, Governor of Ossiniboia.
Thomas Thomas, Councillor of Ossiniboia.
John Pritchard, " "

Captain Bulger begs leave to state that he has received information that some of the Swiss settlers [2] are about to leave the Red River Colony and proceed to the United States of America,—that Louis Nolin has engaged to conduct them to the Mississippi,—that two of them, viz.: John Dubach and David Descombes [3] have already paid Nolin for conducting them out of this country, the value of two hundred dollars, each, in various articles, among which were the cows which they received upon credit from the Earl of Selkirk's Executors,—and that these cows are now in the possession of Registe Larante, by whom they were purchased from Louis Nolin.

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[1] Dominion Archives. Bulger Corr., III, M. 151, p. 46.

[2] The Swiss settlers or De Meurons engaged at Montreal and Kingston by Lord Selkirk in 1816 originally belonged to two mercenary regiments employed by England in the American War of 1812. They were placed opposite Fort Douglas on the Seine. In 1821, some Swiss families, won over by the propaganda of a Colonel May, came to the Red River via Hudson Bay. Many moved to Fort Snelling near St. Paul.

[3] The examination of John Dubach and David Descombes took place in the presence of John Allez and Paul Reynberger on February 10, 1823. See Bulger Corr., III, M. 151, pp. 26-40.

In communicating these particulars, Captain Bulger begs leave to submit the following points for the consideration of the Council:

1st. Under all the circumstances of the case of the Swiss settlers, and taking into consideration what was stated with regard to them by Mr. Halkett [1] in July last, viz. that if they were not satisfied with the Red River, they were at liberty to leave it. Is it advisable that any of them, so about to depart, should be arrested and detained for the debt which they owe to the Earl of Selkirk's Estate?

2nd. As the cows in question were considered as being sold upon credit to the said John Dubach and David Descombes and were purchased by Registe Larante, not from them, but from Louis Nolin, is it proper that recourse should be had to force to recover the cows from Larante?

Upon mature consideration we are of the opinion that it would be very unwise, in the present state of the Colony, to resort to any violent measures whatever,—especially such as might be deemed arbitrary or illegal and which could not fail to wound the feelings of the better part of the inhabitants.

Signed in Duplicate.

19. Commission issued to Donald Murray and Donald McKay by Governor Bulger, March 31, 1823.[2]

Whereas I, Andrew Bulger, Governor of the District of Ossiniboia, within the Territory of Rupert's Land under the jurisdiction of The Honourable The Hudson's Bay Company have constituted and appointed Donald Murray and Donald McKay indwellers and residenters in the Red River Settlement within the said District, to be constables for and within the said District and have also administered the oath of office of constable to each and every of them.

These are therefore to command and require all persons whomsoever to be aiding and assisting to the said constables to preserve the peace within the said District.

Given under my hand and seal in Fort Douglas, Red River Settlement, in the aforesaid District and Territory this thirty first day of March, One thousand eight hundred and twenty three.

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[1] A relation of Lord Selkirk who had come out in 1811 to settle up the affairs of the late Earl.

[2] Dominion Archives. Bulger Corr., III, M. 151, pp. 117-118.

20. Correspondence between Governor Bulger and Chief Factor Clarke relating to land for retired servants of the Company, 1823.[1]

(*a*)

FORT DOUGLAS, 23 April, 1823.

DEAR SIR,—

The late unfavourable weather, added to my increasing ill health, has prevented my calling on you as I had promised to do on Saturday last.

The badness of the weather has likewise retarded Mr. Kemp's operations on the lots situated on the west side of Red River, immediately above your Fort. These lots are in dreadful state of confusion, and it is absolutely necessary before the people settled upon them begin to sow, that their lines should be distinctly marked out. Unless this be done immediately there will be nothing but fighting and quarrelling among them. But when it is done, nothing will prevent Mr. Kempt from proceeding to the Image plain to lay out the small lots for the Company's servants. In the meanwhile, I should be glad to receive in writing your determination as to the quantity of land to be given to them. In the 6th resolve of the Council of the 20th August last, it is recommended, that they be restricted to grants of not exceeding 30 acres in the neighbourhood of the Image plain, which I am of opinion, will be insufficient for a family, considering that the line must run back to the extent of the Indian grant, and that much of the land in the rear is swampy. A front on the river of three chains (or 66 yards) would give them 48 acres which I dare say the Hnourable Committee would not tihnk too much, if you sanction the measure.

With regard to those old, respectable servants who may be entitled to grants of land, from 100 to 1,000 acres, it does not appear to have been the practice of Governor Simpson to point out, in his certificates, where they should receive those grants; and as no allusion has been made to them by the Council held at York Factory in August last, it may perhaps, be as well to adhere to the form established by Gov. Simpson.—To me, it is perfectly immaterial where such persons receive their allotments; but if it is to be in the vicinity of the Image plain, as is particularly pointed out in your certificates (for 400 acres) to

[1] Dominion Archives. Bulger Corr., III, M. 151, pp. 156-161.

John Park, J. Whiteway and J. Folster, the plan which the Council has recommended, of settling their numerous servants of an inferior class, upon small lots, in that neighbourhood cannot be accomplished. Whatever your determination may be in this matter, you have but to communicate it officially to me, and the surveyor will be directed to carry it into effect; it being, of course, understood that you take upon yourself the whole responsibility attached to any change in the plan recommended by the Council.

I am, dear sir,
Yours sincerely,
(Signed) A. BULGER.

JOHN CLARKE, Esqr.,
Chief Factor of
Honble. Hudson's Bay Company.

(*b*)

FORT GARRY, 24th April, 1823.

DEAR SIR,—

Yours of yesterday is now before me, and now take the liberty of answering it. I am sorry we had not entered earlier into an explanation respecting the location and grants of land intended for the retired servants of the Company. The advanced state of the season, and the delay in laying out the lots, must place such of them as have received certificates who are on the spot, and others daily expected from Pembina, to great inconvenience as they might be employed preparing materials for building and clearing ground to sew and plant for their future subsistence.

My determination, respecting the quantity of land to be given to retired servants, is to adhere strictly to the 6th resolve of the Council at York Factory of the 20th August last, and will not take on myself to assume any further responsibility.

Respecting the old and respectable servants who have lately received certificates from me, if I am not mistaken, it was understood by Mr. Kempt that it was not strictly at the Image plain, that the grants were to be but higher up the river, but this can be easily rescinded by recalling the certificates. Had the copy which you enclosed been handed me last Fall when the first certificates were given by me to retired servants it would have prevented and spared me some trouble but I will without delay rectify the error.

I enclose for your perusal an obligation contract of a retired servant of the Company who receives a grant of land, and should you not think it sufficiently binding until the Deeds are passed please favor me as early as possible with your opinion, that I may rectify my mistake.

I remain, dear sir,

Yours sincerely,

JOHN CLARKE.

ANDREW BULGER, Esqr.,
Governor of Assiniboia.

P.S.—I enclose you an account of the article forwarded yesterday. On examining the Invoice (?) I find that you may be supplied with few more rakes.

Yours,

J. C.

(*c*)

FORT DOUGLAS, 25 April, 1823.

DEAR SIR,—

I beg to acknowledge the receipt of your letter of yesterday's date. Upon that part of it wherein you express your regret that we had not come to an earlier explanation on the subject of the land to be given to the retired servants of the Company, I must be permitted to observe that I have, more than once, stated to you in the course of conversation, my sentiments upon the subject. Mr. Kemp has, also several times waited on you upon the same subject. It was a matter, in which as I conceive, nothing was left to me; my opinion might either be rejected or followed as to you might seem proper, and therefore, after giving that opinion, I had nothing to do but to await your decision. So far back as February, Mr. Kemp, at your desire, made out and submitted to you the plan of a village to be formed upon the River Assiniboine, a situation which from its proximity to the Company's establishment, was thought by you, and certainly by myself, to be the best for those retired servants, who have been, in an especial manner, placed under your superintendence and controul. That plan was not in the end approved of by you; and the Image Plain was finally fixed upon as the place where those people should be settled. The quota of land to be allotted to them, did not, however, appear

to me to be absolutely determined upon and one of the principal objects of my letter of the 23rd instant, was to obtain your final judgment upon that point. It has now been received and shall be carried into effect with all possible dispatch. To do it immediately, is, I assure you, utterly impossible without doing an injustice to the old settlers many of whom have been in the Company's service, and whose lots as I mentioned to you in my letter yesterday, are in a deplorable state of disorder.

There are, now, however, lots of 32 acres each, ready at the Image Plain for the reception of eight of those to whom you have given certificates, they were marked out last fall by Mr. Kemp—the first commencing at about 60 yards below the Pigeons—if you will cause those eight lots to be drawn for and the people who gain them to attend altogether upon a certain day (giving us one day's notice) Mr. Kemp's chain carrier shall go with them to the spot and point out their respective numbers. For the rest, be assured that Mr. Kemp is anxious to get them settled, and will do so as soon as possible.

Until I received your certificates in favour of J. Parke, J. Whiteway and J. Folster, and which are, I believe, the first that you have given, since your arrival, for grants exceeding 30 acres, I was not myself aware that any particular form had been established by Governor Simpson. I have no wish, you may be assured, to cause you any unnecessary trouble. I return the obligation of W. Dunnett, which I am of the opinion is sufficiently binding.

I remain, Dear Sir,
Yours sincerely,
(Signed) A. BULGER.

JOHN CLARKE, Esqr.

21. Minutes of the Council of Assiniboia, May 3, 1823.[1]

Minutes of a Council held this third day of May, one thousand eight hundred and twenty three, at the Red River Settlement, in the District of Ossiniboia in the Honourable Hudson's Bay Company's Territory of Rupert's Land in British North America.

PRESENT

Andrew Bulger, Governor of the District of Ossiniboia.
Thomas Thomas, Councillor of the District of Ossiniboia.
William Hemmings Cook, " " "
John Pritchard " " "

[1] Dominion Archives. Bulger Corr., 111, M. 151, p. 184.

The Governor informed the Council " that yesterday (the) second instant while he was busy in the Colony store in Fort Douglas, two men, strangers to him, appeared at the door of the said store, one of whom asked " Is the Captain here " and on seeing the Governor said " We understand that Justice is to be found here." Upon the Governor enquiring what was the matter, he who had before spoken pointed to another man, who stood by his side with his head bound up by a bloody handkerchief and whom he called Risk Kipling, and said " This man has been almost killed by that murderer—this is the third this year that he has used in the same manner."

The Governor enquired who he meant,—he replied " Pensonant " who was known to the Governor to be a clerk in the service of the Honourable Hudson's Bay Company, and employed under John Clarke [1] Esqr., their Chief Factor in this District."

The Governor further stated to the Council " that he was so much shocked by this unexpected and public appeal to him in a matter which he felt averse to having anything to do with, he did not at the moment know what answer to give, and in order to gain time for reflection, merely said he was then busy but would hear what they had to say in the course of an hour; that upon his return from the store to his own room, upon mature reflection, and considering it to be his bounden duty, to guard the life of even the meanest individual in the District, over which it had pleased the Honourable Hudson's Bay Company to constitute and appoint him Governor, he came to the resolution of summoning the Gentlemen appointed by that Honourable Company, Councillors of the said District [2]

[1] John Clarke had been one of Astor's partners in the Pacific Fur Company. In 1815-16 he had charge of the Athabasca brigade and waged bitter war with the Nor' Westers. He stormed Fort Vermilion but was driven off to Peace River. After facing starvation he was taken prisoner at Fort Chippewyan by MacGillivray and Black. After the union of the Companies, Clarke went to Montreal. He soon returned with a Swiss wife and was Chief Factor under Governor G. Simpson. The Bulger Corr., shows that during Bulger's term of office there was incessant wrangling with Clarke. "Not content" Bulger wrote him on October 4, 1822. "Not content with having thus openly contemned my authority as Governor of the Settlement, and trampled upon the rights and immunities assured to the settlers on the grant from the Hudson's Bay Company, you threatened to crown your aggressive acts by stopping the free passage of the Red River." (Bulger Corr., II, M. 150, p. 357). In a letter to Governor Simpson dated London, May 21, 1823 (Bulger Corr., III, M. 151, pp. 215-221) the Governor and Committee characterize the conduct of Mr. Clarke at the beginning of the preceding winter as most unwarrantable and declare that he had totally misconceived his rights and powers as a Chief Factor. They stated that the servants of the Company in the District were to consider themselves under the authority of the Governor.

[2] The Resolutions of the General Court of the Hudson Bay Company declared the Governor of Assiniboia with any two of his Council competent to form a Council for the administration of Justice.

in order that he might receive the benefit of their advice and assistance, as well in determining how to proceed as in investigating the merits of the case thus forced upon their consideration; that having come to this resolution he directed that the complainants should be shewn into his room, where, in the presence of Mr. Kemp he informed them that he could not hear them except in the presence of the Gentlemen of the Council, whom he would request to attend on the following day at 11 o'clock, at which time, they, the complainants would also appear if they had anything to say; that he silenced one of them who attempted to make a reply, by saying that he would not then hear anything from them; and that upon closing the business of the day he transmitted a letter to Mr. Clarke, informing that gentleman of the complaint made against Mr. Pensonant and of the step which he had determined to adopt in consequence thereof."

The Governor further stated to the Council that about nine o'clock this morning (the third instant) he was waited upon by Mr. Hargrave[1] a gentleman in the service of the Honourable Hudson's Bay Company, who came commissioned to express Mr. Clarke's sentiments upon the matter in question, which he did in words to this effect, "Mr. Clarke denies the authority of the Governor and Council of Ossiniboia to interfere in this matter[2] and will not allow any one under him to appear before them to give evidence therein; that the Governor in reply asked Mr. Hargrave if he had any objections to state so in writing, which he declined doing, having as he said, no authority to do so; that he was then asked by the Governor if he would state so in the presence of the Gentlemen of the Council which he also declined doing, stating that he knew what Mr. Clarke's sentiments were and he was only commissioned to communicate them to the Governor in private; that the Governor then requested that Mr. Hargrave would inform Mr. Clarke that if he would in a formal manner by writing, declare his denial of the authority of the Governor and Council of this District, they would stay all proceedings, and refer

[1] James Hargrave,—later a member of the Council of Assiniboia.

[2] When Earl Selkirk received the District of Assiniboia in 1811, the H. B. Co., made an important reservation in favour of the grantors "Saving and reserving nevertheless to the said Governor and Company and their successors, all rights of jurisdiction whatever granted to the said Company by their Charter."

the matter for determination to the Governor and Committee of the Hudson's Bay Co., which message Mr. Hargrave assured the Governor he would convey to Mr. Clarke.

Upon this information being laid before the Council it was unanimously resolved to await Mr. Clarke's decision upon the proposition made to him through Mr. Hargrave, and the Governor and Council did accordingly wait about one hour and a half, at the expiration of which time Mr. Hargrave appeared before them and delivered a letter of which the following is a copy:

"I hereby declare it is my opinion that the Governor and Council of Ossiniboia are not authorized to interfere in the internal affairs of the Honourable Hudson's Bay Company, whether in civil or criminal matters, without the presence and assistance of the Company's representative in the said District of Ossiniboia considering that without such presence and assistance, every matter whether civil or criminal, where both parties belong to the Company, should properly come under the cognizance of the Governor and Council of the Honourable Hudson's Bay Company, held at York Factory or elsewhere in the Northern Department of Prince Rupert's Land, and I hereby protest against all such interference and further, hold the said Governor and Council of Ossiniboia responsible for the consequences of such interference in creating dissensions, and want of due subordination between Master and Servant.

Signed. JOHN CLARKE,
Chief Factor,
Hudson's Bay Company.

Fort Garry,
May 3rd, 1823.

To the Governor and Council of Ossiniboia,
Fort Douglas.

Mr. Hargrave having retired, the Governor and Council proceeded to record their sentiments upon the above document and their final resolution.

The Governor and Council met this day under the authority of the General Court of the Hudson's Bay Company with powers sanctioned by His Majesty's Government, and the object of their meeting was,—precisely that for which they were constituted,—to administer justice according to the Laws of England, by which they have been assured from high authority, they are to be governed. They conceived that no one was above

those Laws; that all were equally amenable to them and liable for any infraction thereof within the District of Ossiniboia to be proceeded against in the mode pointed out by the Honourable Committee of the Hudson's Bay Company in their letter of the 1st June last, addressed to the Governor of the said District; above all they never imagined that any person, much less a gentleman holding a high rank in the service of the Hudson's Bay Company, would for a moment think of setting himself above those Laws, or of denying the authority of the Court constituted by that Honourable Company and sanctioned by His Majesty's Government. The Governor and Council have never attempted to interfere in the internal affairs of the Hudson's Bay Company, and conceiving as they do that the administration of justice should be public, they could have no objection to Mr. Clarke's presence at their sittings, at the same time they do not consider that he has any right to *assist* in their decisions or to have a voice in their Council, since it has not pleased the Honourable Hudson's Bay Company to nominate him a member thereof. Neither do they consider the charge indirectly attempted to be fastened on them of creating dissensions and want of due subordination between master and servant as at all applicable to any of their proceedings; as well might any Bench of Magistrates in England, if they should entertain the complaint of a servant against his master, be accused of that charge, as the Governor in Council of Ossiniboia, sitting under the authority of the Hudson's Bay Company to investigate a matter apparently of a serious nature between two servants of that Honourable Company. In conclusion the Governor and Council have unanimously resolved to suspend all further proceedings in this particular case, and to leave the vindication of their authority to the Honourable Company from whom it has been derived. It was further resolved that the minutes of this day's proceeding should be signed in triplicate by the Governor and Council, the original to be deposited in the office of the Red River Colony; the duplicate to be transmitted by the Governor to the Honourable Committee of the Hudson's Bay Company through their Secretary; and the triplicate to be at the disposal of the Governor.

A. BULGER.
THOMAS THOMAS.
WM. HEMMINGS COOK.
JOHN PRITCHARD.

22. Letter from Governor, Deputy Governor and Committee of the Hudson's Bay Company to George Simpson, May 21, 1823.[1]

HUDSON'S BAY HOUSE,
LONDON, 21st May, 1823.

GEORGE SIMPSON, Esqr.,

SIR,—

We have received from the Executors of Lord Selkirk a dispatch addressed to them by Mr. Bulger Governor of Ossiniboia, and from Mr. Thain a copy of the letter addressed to him by Mr. Clarke, Chief Factor, on the subject of the proceedings which took place at the Forks of Red River the beginning of last winter.

We are disposed to attribute the conduct of Mr. Clarke to his zeal for what he considered the interest of the Fur Trade, but we must at the same time observe, that some of the proceedings were most unwarrantable as well as extremely imprudent and indiscreet. His serving the notice against trading in contravention of the Charter of the Company and the License from the King upon Mr. Bulger, whom he knew to be the Governor of the District appointed by us, was most preposterous and indecorous, tending to bring into contempt the authority and privileges of the Company and to throw the whole settlement into confusion. And his breaking into the house of Larante with an armed force and seizing the skins of Deer and Buffalo as well as furs and peltries which he found there, was improper and illegal, and might have led to a dangerous breach of the peace. If he had information that Larante had been trading furs he ought to have applied to Mr. Bulger, the Governor who upon the facts being declared to him on oath, would no doubt have granted his authority for the search. The effects of this would have been to establish the power of regular authority in place of that of force and violence.

But it would have been a more judicious proceeding if Mr. Clarke had in the first instance applied to the Governor to issue the notice against trading in furs and to inform the inhabitants that if they did, thereafter trade furs, they would be ejected from their lands under the conditions of the grant and that furs would be seized when discovered.

[1] Dominion Archives. Bulger Corr., M. 151, p. 215, seq.

The intention to stop the boat going to Pembina was equally illegal, as well as being imprudent and indiscreet, for though Mr. Clarke in his letter to Mr. Bulger affects surprise at what occurred, yet from all the circumstances it is not to be doubted that if Mr. Forrest had been alone in the boat Mr. Clarke would have detained him and prevented his going to Pembina, to procure provisions. Such conduct might have occasioned violence and loss of life which would have involved Mr. Clarke in very serious responsibility and would have brought great odium on the Company in the eyes of the Government and the public of this Country and probably have proved extremely injurious to its interests for a repetition of violences would not now be suffered after the sacrifices made to prevent the collision of conflicting interests.

Mr. Clarke seems to have totally misconceived his rights and powers as a Chief Factor, and to have considered himself not only independent of Governor Bulger in matters relating to the trade, but superior to him in authority,—there was never such a mistake.

Further, Mr. Clarke had no right or authority to call upon the Catholic Bishop to issue any notice respecting the rights of the Company and the Bishop ought not to have complied with his demand without the sanction of the Governor; besides the assertion in his letter to the Bishop that the Company have the right to prevent the settlers who hold lands under grant from Lord Selkirk from trading provisions, is totally unfounded. The Company has no such right; and though a question might be raised respecting the skins of Buffalo and Deer as "untamed animals", yet it never was our intention to prevent the settlers from procuring these skins as far as they might be required for their own consumption.

Mr. Clarke was sent to Red River in the expectation that from his experience in the country, and his influence with the Canadians and halfbreed people he might render essential assistance to Mr. Bulger, and with instructions to afford him all the assistance he could without injury to the trade. We cannot conceive therefore, how he should have thought himself justified in slighting and disregarding the authority of Mr. Bulger or in attempting to prevent the settlers from procuring provisions and leather with the view of extorting an exorbitant price for these articles which he might supply out of the Company's Stores.

The Settlement may with liberal and proper management be rendered of great service to the trade of the Company, and the Company may foster and encourage the settlement (without any real cost or expense) by taking from it such articles as may be wanted for the trade, and by giving it occasional assistance in the transport of goods, etc., at a moderate charge. We therefore hope that in future all transactions with the settlement will be conducted on this principle.

We enclose copy of a Resolution made in 1816 with the view of encouraging the settlers to be industrious in cultivating their lands. This Resolution is still in force and we desire it may be acted upon liberally and in good faith, and we trust the settlers will consider it to be a proof of the favourable intentions of the Company towards them.

The most effectual mode of preventing the intrusion of petty traders from Canada or elsewhere, is to act in conformity to the instructions contained in our letter of the 13th March last, in which we directed goods to be sold to such as would pay for them at York Factory, at an advance of one third or 33⅓ per cent on the prime cost which advance covers freight, interest, packages, and all charges, and is as low if not lower, than the price at Montreal. If sold at Red River the prices to be that for valuing the inventories of remains enclosing the Company's annual accounts. If these rates of prices are adhered to (and we positively desire that they be so) no petty trader will find it for his interest to bring goods into the country, but if he does, we desire that his European or other goods brought into the country may not be seized, but that the notice against trading with the Indians be served on him, and if he is afterwards found to have traded furs and peltries then the same are to be seized and a strict watch kept to seize any furs or peltries or buffalo robes that may be attempted to be exported out of the country without our license and authority agreeable to the Charter and to the Royal License under the first and second Geo. IV. Chap. 66.

In consequence of the resignation of Mr. Bulger, we have appointed Robert Parker Pelly, Esqr., Governor of Assiniboia and he will take his passage by the Prince of Wales.

The District is commensurate with the Territory granted to the Earl of Selkirk and the Governor and his Council will be invested by virtue of the Charter and our authority, with full powers not only to administer justice, conformable to the Laws of England, but call upon all Chief Factors, Traders, and Ser-

vants of the Company within the District, as well as the other inhabitants to aid and assist in carrying their decisions into execution and in preserving the peace, either against the riotous and turbulent proceedings of any portion of the inhabitants or against the hostile attacks of Indians or others. The Chief Factors, the Chief Traders and Servants of the Company within the District are to consider themselves under the authority of the Governor, and to conform and to obey all orders that may be issued by the said Governor, and his Council. If the Chief Factor, or Trader, shall consider any of these orders to be injurious to the trade, he is not to attempt to resist them, but he may represent his opinion in writing, in temperate and respectful language to the Governor and Council, and if the matter is not arranged to his satisfaction he is to report the circumstances to the Governor and Council at York Factory, who will institute an inquiry into the circumstances and report the whole facts for our consideration and determination. It is necessary to put an end to all doubt as to the supreme authority in the district to prevent disputes for the future.

It is not however intended by these instructions to interfere with the rules and regulations for the management and conduct of the trade which the Governor and Council of the Northern District are authorized to make, but for the purpose of municipal regulations and the preservation of the peace of the District to declare that the supreme authority in case of dispute or emergency is vested in the Governor and Council of Assiniboia, subject to either of the Governors of the Company's Territories presiding when present and we would strongly urge the propriety of a cordial and unanimous support to the Governor and Council, as the most effectual means of preserving the peace of the settlement and preventing the encroachments of the Americans or hostile Indians.

A want of attention to this principle has occasioned much mischief to the settlement and is the cause of our incurring the expense of this express, for the purpose of assuring the protection of the Company to the settlers in all their just rights, and convincing them that the illegal and arbitrary proceedings which occurred the beginning of last winter are not approved of and will not be suffered to be repeated.

Great inconvenience having been found from there being no money, or circulating medium in the Colony, we instructed

you in our letter of the 13th March last to circulate the notes which had been sent out. The most ready and effectual way of bringing the notes into circulation is to establish that all payments by the Company for grain or other articles bought from Settlers shall be made in these notes, and that for all goods sold in the shop at Red River payment shall be required to be made in these notes also, and no transaction by way of barter of provisions for goods be allowed with the Company. To such persons as can give a good bill on London notes will be issued in lieu of such bill, and it is recommended that all payments among the settlers themselves of wages and other services be made in the notes which will bring them into use, and shew the people the convenience arising from them. We do not think it necessary to enter into more details at present, as Mr. Pelly the new Governor will be fully possessed of our opinions and views and those of the Trustees of Lord Selkirk respecting the Settlement.

As it appears that the dwelling house at Fort Douglas is not in good condition or comfortably fitted up, we desire that immediate measures be taken by the person in charge at Red River, to repair the house and make it as comfortable as possible, for the reception of Mr. Pelly and his family. Should the building at Fort Douglas not be in a fit state for Mr. Pelly on his arrival, it will be proper that he be accommodated at Fort Garry for a time, and we desire you will give the necessary orders for this purpose.

We are,

Your affectionate friends,

(Signed) J. H. PELLY, Governor.
N. GARRY, Dy. Governor.
JOSEPH BERENS.
BENJAMIN HARRISON.
A. COLVILE.
THOS. PITT.

A true copy.
(Signed) WILLIAM SMITH, Secretary.

23. Extract of letter from A. Colvile to A. Bulger, May 21, 1823.[1]

"I shall direct this to be opened by any member of your Council in case of your absence".

24. Agreement between Governor Bulger and Michael Bousquet for a lot of land June 1st, 1823.[2]

It is agreed between Andrew Bulger on the behalf of the Executors of Thomas, late Earl of Selkirk and Michael Bousquet of Red River that the said Michael Bousquet shall be put in possession of a lot of land numbered on the plan 156 and 157, and containing 15 English Statute acres, bounded on the north by the land of Joseph Matt, on the east by the road communicating with German Street, on the south by the land of Charles Gaspard Bruce, and on the west by the Red River, and that the said Michael Bousquet shall hold the said lot of land upon the conditions expressed, and at the rent fixed in Mr. Halkett's "Memorandum of 20th July, 1822, which is deposited in the Colony office".
Signed in duplicate at Fort Douglas,

Red River Settlement, this 1st day of
June, 1823. In presence of.....

25. Oath required from Settlers at Red River.[3]

C. B. hereby binds himself upon oath to conform to any orders or regulations connected with the welfare, prosperity and good government of the Red River Settlement that may from time to time be issued by the Governor of Ossiniboia or his Council, as also by the Governor of the Northern Department of Rupert's Land or the Chief Factor or principal officer for the time being in charge of the said Honourable Hudson's Bay Company's affairs at Fort Garry—also that he shall on all occasions hold himself in readiness to assist and act when required in the preservation of the peace and in suppressing any attempts that may be made by ill-disposed persons to the contrary and

[1] Dominion Archives. Selkirk Papers, XXV, 7873.
[2] Dominion Archives. Bulger Corr., III, M. 151, p. 316.
[3] Dominion Archives. Bulger Corr., III, M. 151, p. 8.

voluntarily give such information to the proper authorities as comes within his knowledge affecting the tranquillity of the Settlement.

26. Notice issued by Governor Bulger, June 10, 1823.[1]

Whereas William McLeod, Kenneth McKenzie, and James Murdoch, contracted servants of the Hon'ble. Hudson's Bay Company have absconded from their service; All His Majesty's subjects are hereby requested to be aiding and assisting to the bearer hereof, Charles Gaspard Bruce in apprehending and bringing before me the said three Deserters.

Given under my hand and seal in Fort Douglas, the 10th day of June, 1823.

A. BULGER,
Governor of the district of Assiniboia,
Rupert's Land.

27. Examination of James Mitchell before the Council of Assiniboia, July 8, 1823.[2]

This eight day of July in the year of our Lord One Thousand eight hundred and twenty three, appeared before us the undersigned Council of Red River Colony, James Mitchell, who being duly sworn on the Holy Evangelists, deposeth:

That he came to this country last autumn in the service of the Executors of the late Earl of Selkirk in the capacity of Millwright. That on or about the twenty-fifth day of November last he was in the house of David Tully, when he saw Hugh Monro one of the servants of Fort Douglas bring in a quart pot nearly full of port wine and put the same on a table in the house of said David Tully.

That he the said James Mitchell did drink a part of the same wine in company with David Tully and the said Hugh Monro.

That after the aforesaid persons had drank the quart of wine, the said Hugh Monro brought in at different periods during the same evening and night pots containing shrub, Jamaica Rum and rectified spirits, the whole of which was drank by the aforesaid parties.

[1] Dominion Archives. Bulger Corr., III, M. 152, C.
[2] Dominion Archives. Bulger Corr., III, M. 151, p. 393.

That he this deponent now hath reason to believe and doth verily believe that the wine and other liquors as before mentioned were the property of Captain Andrew Bulger, the present Governor of the said colony, and that they had been clandestinely taken by the said Hugh Monro from the private apartments of the said Captain A. Bulger.

This deponent further saith, on the same evening, the said Monro brought to Tully's house a small quantity of tea and sugar desiring Mrs. Tully to make some tea for him, of which they all afterwards partook.

That on or about the twelfth day of January last he being then in the house of the aforesaid David Tully, saw the said Hugh Monro bring into Tully's house some spirituous liquors which he the deponent believes to have been the property of the said Captain Andrew Bulger and that the before mentioned David Tully and others did drink the said spirituous liquors.

J. MITCHELL.

Sworn before us at Fort Douglas,
Red River Settlement,
8th July, 1823.

THOMAS THOMAS,
W. H. COOK,
JOHN PRITCHARD.

(*h.*) WILLIAM KEMPT.

1. Extract of letter from George Simpson to A. Colville. Sept. 8, 1823.[1]

By my letter from Norway House you would know my intention of getting Mr. Donald McKenzie, Chief Factor appointed to the charge of Red River District as soon after the Council had assented as possible; and from that place I wrote Capt. Bulger requesting him to continue in charge until the arrival of a gentleman to relieve him. Copy of that letter is now transmitted. On the receipt of your letters by the Spring Canoe at Red River a report was circulated (I understand by Mr. Bulger and Mr. McDonald although no certain information thereof has yet come to my knowledge) that the Executors had

[1] Dominion Archives. Selkirk Papers, XXV, 8011-12.

shaken all future charge and interest therein entirely off their own shoulders, and that the whole was now under the exclusive management of the Coy. This occasioned a ferment in the minds of the Colonists which became alarming owing to the violent overbearing and oppressive measures adopted by Clarke last winter, as they naturally supposed that he acted conformable to instructions, so that the very name of the Coy, as connected therewith nearly drove them to desperation and we daily expected to hear of serious riots at the Settlement. I therefore lost no time after our arrival at York in getting Mr. McKenzie appointed to the charge, but it occurred to me that in the then state of mind of the inhabitants it would be better that he did not appear to take the management. I accordingly wrote Mr. Bulger and Mr. Kempt requesting that the latter gentleman would take the nominal charge until my arrival in the Fall, but that Mr. McKenzie should be privately consulted on all important matters.

2. Extract from Kempt's Journal.[1]

Sept. 23rd.—Being daily importuned by Messrs. Dickson. and Musick to grant them liberty for disposing of the cows brought by them to this Settlement above the age contracted for and not wishing to take the responsibility upon myself, after perusing the letter addressed by Lewis Musick to Captain Bulger without the advice of the Gentlemen of the Council, I wrote the following to them for their opinion and direction, enclosing a copy of the Contract and the aforesaid letter.

FORT DOUGLAS, 23rd Sept., 1823.

GENTLEMEN,—

I herewith send you the Contract entered into by Captain Bulger with Messrs. Dickson and Musick, and beg to have your opinions, stating whether or not you think I would be justified in granting these gentlemen liberty to dispose of the cows belonging to them above 6 years old.

I am, Gentlemen,

Your most obedient humble servant,

(Signed) WILLIAM KEMPT.

To the Council of Assiniboia.

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[1] Dominion Archives. Selkirk Papers. XXV, 8062, seq.

And received in answer the following opinions,—

I am of opinion that in order to prevent further delay in disposing of the cattle, brought by Messrs. Musick and Dickson, Mr. Kempt should select 60 good milch cows and two bulls in compliance with the terms of the Contract and that after the above selection has been made Messrs. Musick and Dickson dispose of the remainder.

(Signed) THOMAS THOMAS.

Red River Settlement,
23rd Sept., 1823.

I am of opinion that the Contract is a sufficient guide for Mr. Kempt and that the sooner the cattle are disposed of the better. There can be no impropriety in acting agreeably to the opinions of Messrs. McDonald and Thomas with whom my own ideas on the subject decidedly correspond.

(Signed) W. H. COOK.

23rd Sept., 1823.

It is my opinion Mr. Kempt has nothing to do with cows above six years old they not having been contracted for. But under that age I think it would be wrong to allow Mr. Dickson to dispose of any until the Contract has been fulfilled.

(Signed) JOHN PRITCHARD.

I am clearly of opinion that Mr. Kempt should take delivery of the 60 milch cows and the two bulls contracted for by Captain Bulger on the part of the Colony from Messrs. Musick and Dickson, and that, according to the Contract.

(Signed) ALEX. McDONELL.

Sept. 25th.—Received information of the school master having solemnized a marriage in the church, which proceeding I judged contrary to the usage of the Church of England and forming a bad precedent in this place, as he did not so much as consult one of the Gentlemen of the Council, one of whom was his near neighbour. I wrote him the following note, viz:—

FORT DOUGLAS, 25th September, 1823.

SIR,—

I am just informed that you have celebrated the important Ceremony of Marriage, you who are to my knowledge no way qualified, either by Law or Authority of the Honorable Hudson's Bay Company. I therefore as acting Agent for the Trustees of the late Earl of Selkirk, desire you will inform me by what authority you presume to take upon yourself the duties of a legal magistrate or an ordained clergyman.

(Signed) WM. KEMPT.

(*i.*) ROBERT PARKER PELLY.

[1] *Memorandum for Captain R. Pelly respecting Red River Settlement, January 1823.*

On his arrival at Hudson's Bay, Capt. Pelly will receive from Capt. Bulger, or will find waiting for him at Red River, various documents, and written suggestions on the subject of the Colony, together with the decisions already given upon several petitions which had, at different times, been presented from the several classes of settlers. Besides a regular commission from the Hudson's Bay Company as Governor of the District, Capt. Pelly will carry with him a power from Lord Selkirk's Trustees to superintend the Colony, and an authority to grant lands jointly with Governor Simpson, to such persons as may be entitled to them, but who have not yet obtained them, as well as to others who may be disposed to apply for similar grants. He will be very cautious as to the *extent* of the grants, in no case (unless where actual promises were made by Lord Selkirk or his Trustees) to exceed 100 acres. It is of much more consequence to have allotments of 50 or even 25 acres well cultivated, than granting away large tracts which are afterwards in a great measure left waste. But in these cases of limited allotments, the necessary frontage to the river must be proportionably attended to. The frontage for 100 acres ought to be 8 chains,—and in the case of lots of 25 acres it will be better to lay out a road or street perpendicular to the river, on each side of which road lots of 25 acres may be laid out as a village with such a frontage to the road as will bring the houses near enough for mutual protection—and they may be

[1] Dominion Archives. Selkirk Papers, XXV, 7791.

encouraged to build opposite each other so as to bring four houses pretty close together.

It must be specially noticed that none of the vacant lands immediately opposite the present settlers' allotments, viz: those on the *east* bank of the river, are to be disposed of without express directions from the Trustees and no lands granted nearer to Fort Douglas than those already given away, as it may be found very adviseable to establish the farm for the use of the Fort upon the land immediately adjoining that establishment.

It should be particularly attended to that, as it was the wish of Lord Selkirk to render the Colony at Red River as compact, and secure as circumstances would admit,—the grants of land should be extended gradually from the Forks (at the junction of the two branches of that river) as from a centre; that is, either up or down the stream; and that Capt. Pelly should discourage as much as possible the establishing distinct and distant locations. This of course must not interfere with actual promises made by the late Earl, but it will soon be evident to Capt. P. that by keeping the Settlement in as compact a form as can reasonably be effected, it will always make it more secure from any aggression from the Indians, and render the administration of justice under the Company's Charter more easy and efficient;—it will also tend very much to further those views entertained by the Company, and approved of by Government, respecting the organizing and maintaining a small military force for the protection of the settlers and the stability of the Colony.

As the Trustees of the Earl of Selkirk have determined to reduce the expences of the Red River Settlement as much as they possibly can, the *Colony Store* will now be entirely abolished, and the settlers will henceforward have to supply themselves with such articles as they may want from the stores of the Hudson's Bay Company or any other regular channel they may think proper to resort to. It will be very necessary therefore that Capt. Pelly should obtain the payment of all outstanding debts now due to the Colony Store, and that he should adopt every reasonable step for that purpose; and that in no case should he complete the titles to any grants of land to individuals until their respective debts to Lord Selkirk are cleared off.

As the people will not be able to procure the necessary clothing from the Company's Stores without paying for the same,

it will be proper to allow them to appropriate part of their crops to this object in the first instance. But tho' the Trustees do not wish the people to be oppressed on the score of their debts they ought to be made to understand that they are to pay their debts and that if they do not make a reasonable exertion for that purpose they will be ejected from their lands. This will require some management at first as they will be alarmed at finding they are no longer to be supplied with goods on credit and it will be proper to hold out a strong inducement for them to pay off their old debts. On this principle the Trustees will receive in payment wheat at 10/ p. bushel and barley at 7/6 as specified in a paper by Mr. Halkett when at R. R. and for such debts as may be paid in this or any other way before 1st June, 1824, they will allow a discount of 20 p. cent for what may be paid before 1st June 1825, 15 p. cent, 1st June, 1826, 10 p. cent, 1st June 1827, 5 p. cent. Interest at the rate of 5 p. cent will be charged on the debts that may remain unpaid on 1 June 1824, but no interest to be charged in the meantime.

The conditions of grants of land, the rates of the prices of grain, etc., to be taken in payment, are all specified in documents which were left in charge of Captain Bulger, and these will form a sufficient general guide for Captain Pelly in his superintendence at the Settlement, for which, of course, particular instructions cannot be given in every case that may occur. Among the papers also left in Fort Douglas will be found the Indian Deed between the late Earl of Selkirk and the Chippeway, Cree and Assiniboine Chiefs respecting the grant of land made over to them by his Lordship to a certain extent upon both branches of the Red River. It will be necessary for Captain Pelly to be particularly attentive to the regular yearly payments or considerations specified therein.

With respect to the Indians in general, Captain P. cannot be too circumspect. They are for the most part easily managed. but firmness and kindness are the best means of ruling them. Above all things the distributing *spirits* among them should be carefully avoided; but they have hitherto been so much in the habit of receiving spirituous liquors from the Europeans, that the custom must be abolished *cautiously,* and in most parts of the country *gradually.* Upon this and other points, Captain Pelly will find the principal settlers always ready to assist, and when necessary to advise with him.

Among the petitions of the settlers at Red River was one from the discharged soldiers of the late Regiment of De Meu-

ron respecting certain allowances to which they stated they were entitled under their engagements to Lord Selkirk. In consequence of their application, Mr. Halkett (when at Red River Settlement in 1822) applied to the Governor of Canada for a copy of the list of articles usually allowed to discharged soldiers who were disposed to settle in the Canadas, and since his return to England he received from Quebec a schedule of these allowances, a copy of which he recently forwarded to Captain Bulger but in case its not having reached him, a copy is also herewith sent to Captain Pelly.

An application was made in 1822 by Mr. Logan, Mr. McDonell and Mr. Pritchard of the Red River Settlement who proposed to undertake to keep a store in the Colony for providing articles for the use of the settlers. The subject was referred to the Trustees of Lord Selkirk who on account of the new plan of obtaining articles from the Hudson's Bay Company, do not wish that Captain Pelly should enter into any measure such as that proposed by the gentlemen alluded to.

The minute made by Mr. Halkett 16 July 1822, respecting the lot of land claimed by Captain Matthey and Mr. McDonell has been confirmed by the Exrs. and Mr. Pelly will get the boundaries fixed and give Captn. Matthey a title accordingly. He will also give Capt. Matthey a title to the township promised to him by Lord Selkirk, and the letter from Ld. S. which Capt. Matthey will produce will explain the situation. It will be necessary for the Surveyor to fix the boundaries in a distinct manner.

Mr. Dd. Hoerner's debt for their passage out of himself and family to be remitted to him agreeable to his application in his letter to Mr. Halkett of 18 July. 1822.

Additional memorandum for Mr. Pelly.

Mr. Cuddie will remain another year as surgeon at Red River if he accepts the terms offered to him, vizt: one hundred and fifty pounds p. an. salary and an allowance of £50 for his board and lodging—to find his own medicines and have the benefit of his practice—it being understood that he is to attend to the poor who cannot pay him.

Mr. Kemp, Surveyor, Salary £150 from 1 June, 1823, and certain allowance p. his agreement for surveys, to have the land promised to him at Hayfield farm with the buildings there and the option of buying such part of the live stock now on the farm

as he wants, reserving a sufficiency for Govr. Pelly's own farm.

Mr. Henderson now Clerk and Keeper of the registers may be retained for another year at his present salary of £100 and Mr. Pelly will at the expiration of the year be able to determine whether it will be necessary to keep him or if Mr. Kemp would be able to do these duties as well as to act as surveyor.

Mitchell, Millwright.—See his agreement—when the mill is erected some reasonable bargain may be made with him to rent the mill and to be bound to keep it in good order.

Christie, Blacksmith, as p. agreement.

Tully Blacksmith, may be retained another year.

McDonald, Carpenter, Do.

Mitchell, Gardener, Do, but perhaps Mr. Pelly May find this man a useful person to manage his own farm in which case he may hire him, as there is no object in keeping him on the establishment.

Mr. Pelly will take for his own use such of the cattle or other live stock belonging to Lord Selkirk's Estate as he may require, leaving a reasonable proportion for Mr. Kempt, the remainder may be sold to settlers who can pay for them or distributed among the most deserving settlers on credit according to what may appear most proper under the circumstance.

All the other people on salaries ought to be discharged but Mr. Pelly will consider himself authorized to continue such as he may find to be absolutely necessary, keeping in mind that it is the wish of the Trustees to reduce expences as much as possible.

2. Power of Attorney issued by Selkirk's Executors to George Simpson and Robert Parker Pelly, May 19, 1823.[1]

Know all men by these presents that we, Sir James Montgomery of Stanhope in the County of Peebles in Scotland, Baronet, present Knight of the Shire for the said County; Adam Maitland of Dundvennan in the County of Kirkcudbright in Scotland, Esquire, Andrew Colvile of Ochiltree and Cromie in the County of Fife in Scotland and of Leadenhall Street in the City of London, Esquire and John Halkett formerly of Seymour Place in the Parish of St. George's Hanover Square within the liberties of Westminster now of the town of

[1] Dominion Archives. Selkirk Papers, XXV, 7868.

Brighthelmstone in the County of Sussex, Esq., considering that, Whereas the deceased Thomas Earl of Selkirk by his last Will and Testament duly proved in the Perogative Court of Canterbury and duly registered in the Register Books kept at the settlement on Red River in the District of Ossiniboia in the Territories of the Company of Adventurers of England trading into Hudson's Bay, did authorize and direct us the accepting and surviving acting Trustees under his said last Will and Testament (the other persons therein named having refused to accept and having renounced the said Trust by Deed recorded in the said Register Books) to sell and dispose of the whole or any part of the said District of Ossiniboia granted to the said Thomas Earl of Selkirk his Heirs and Assigns by the said Company of Adventurers trading into Hudson's Bay, and it being necessary that proper persons should be appointed in the said District called Ossiniboia for such purposes of Sale.

Therefore, we the said Sir James Montgomery, Bt., Adam Maitland, Andrew Colville and John Halkett, have made, constituted and appointed, and by these presents do make, constitute and appoint George Simpson, Esq: one of the Governors appointed by the said Governor and Company of Adventurers trading into Hudson's Bay for their Territories called Rupert's Land of which the said District called Ossiniboia granted by them to the said Thomas, Earl of Selkirk, formed a part, and Robert Parker Pelly, Esqr., Governor of the said District called Ossiniboia, our true and lawful Attorneys—hereby granting and committing to them jointly full power and authority for Us and in Our names to treat with any Person or Persons for the selling or disposing of any part of the Lands of the said District of Ossiniboia, acquired by the said Thomas, Earl of Selkirk from the said Governor and Company of Adventurers trading into Hudson's Bay at such price or prices to be paid at such time or times as may be agreed upon by and between the said George Simpson and Robt. Parker Pelly and any person or persons willing to make any such purchases, and upon such conditions and subject to such covenants as the said George Simpson and Robert Parker Pelly may think fit in that behalf and to do every act matter or thing necessary for completing such purchases or for completing any agreement that may have been made by the said Thomas Earl of Selkirk for the granting or selling any part of the Land in the said District called Ossiniboia previous to his death or that may have since been made and for that purpose, for Us and in Our

names to Sign, Seal and Deliver any Demise Assignment, Conveyance or Assurance that may be necessary to any person or persons that may have agreed to purchase upon any Contract or Agreement for the purchase of any part of the said Land in the said District called Ossiniboia that may have been made during the life time of the said Thomas Earl of Selkirk or that may have been made since his death or any demise, assignment, conveyance or assurance that may be necessary for the completing any agreement fo rthe sale and purchase of any part of the Land in the said District that may be made by or with the said George Simpson and Robert Parker Pelly and to receive the price or consideration agreed to be paid or given for, or in respect of any such sale and purchase and to ask, demand, sue for and recover the same and all rents, monies or other things whatsoever agreed for, due or payable for or in respect of the Premises and also to ask, demand, sue for and recover of and from every Person and all Persons whatsoever every sum and all sums of money which was or were due to the said Thomas Earl of Selkirk in the said District called Ossiniboia at the time of his death or that has or have since become due or that shall hereafter become due, for, or, in respect of any part of his Estate situated there and on receipt of such monies or other things to grant for Us and in Our names sufficient discharges and acquittances which shall be equally good as if granted by Us.

In Witness whereof these presents signed and sealed by Us this 19 day of May in the year of our Lord 1823.

Signed, sealed and delivered by the said Sir Jas. Montgomery (being first duly stamped) in the presence of Peter Macarter, Butler at Stobo Castle, Mark Hislop, Servant at Stobo Castle.

(Signed)
James Montgomery.

Signed, &c., Adam Maitland in the presence of John Thompson, M.D., of Edinburgh Physician; Jas. T. Smith, of Edinburgh, Bookseller.

(Signed)
Adam Maitland.

Signed, &c., by Andrew Colvile, and John Halkett in the presence of Wm. Smith, Sec'y to the Hudson's Bay Company. (Signed) A. Colvile. (Signed) J. Halkett.

Edw. Roberts, Acc't to the Husdon's Bay Company.

3. Extract of letter from George Simpson to A. Colvile, Sept. 8, 1823.[1]

Mr. Pelly I find is empowered to raise a corps of militia; that cannot safely be attempted at the outset, altho' towards spring I think it may be turned into effect, and I would beg to recommend that no pay be given to any one of that body, as if it is given to some it must be given to all; but on our first arrival I consider it necessary to establish a police upon some regular system; that all the gentlemen or principal inhabitants should enrol themselves as special constables whether members of Council or otherwise (the Govrs of course excepted) and that about twenty of the best disposed, powerful, determined men be sworn in regular constables, and be paid when employed. By this means we can easily detect any plots that may be forming and have a force at hand for the purpose of quieting them. If it could be so arranged that a fund be raised among the inhabitants for the payment of those men it would be desirable but if not to be begin with I think it would be money well laid out by the Executors.

The Councils in my opinion ought to sit at Fort Douglas regularly, at stated times and the more form that is observed the greater weight it will have, but I think it would be well to add the Chief Factor of the District for the time being and the Catholic Bishop to the List of Councillors, particularly the latter as Mr. Jones's name is included; otherwise the distinction may excite jealously. I think it is better that I should *not* attend the Council at all because when present it would be necessary for me to preside which must in some degree affect the consequence of Mr. Pelly in the eyes of the lower classes. In order to command due respect he must on all occasions be the great man and head of the Colony and as such I shall always treat him.

[1] Dominion Archives. Selkirk Papers, XXV, 8014, seq.

4. Extract of letter from George Simpson to A. Colvile, Nov. 1, 1823.[1]

We have up to this period had two regular councils, besides a private meeting of the Gentlemen of the Council and after mature deliberation we considered it expedient to form a strong police consisting of Mr. McKenzie as High Constable and about fifty special constables who do the duty gratuitously, twenty regular or petty constables and two bailiffs. All settlers receiving grants are moreover bound by oath to assist in maintaining the peace and good government of the Settlement which is made an express condition in their titles.

5. Extract of letter from George Simpson to A. Colvile, May 31, 1824.[2]

I cannot however allow that any merit is due, either to the Gentlemen of the Council or any portion of the settlers for the present calm, but alone to the good conduct and firmness of the Coy's servants under our own direction. On the contrary such is the feeling against the Compy that I believe it would have been a satisfaction to the majority of the inhabitants had the evils we apprehended taken place.

Our councils are really worse than nothing. McDonell is disaffected and the bitterest enemy to the Executors in this place; Thomas is timid and weak as a child, Cook is like Thomas, but drunken and without either body or mind, Pritchard is froth; Matthey is discontented and designing, wishes to be popular among his countrymen and hostile to the Company and Executors; Logan has been associated with McDonell in his speculations while in power, indeed they are nothing more or less in my opinion than a pair of thieves and stick to each other like wax, and Mr. Jones altho' well disposed wants experience, in short there is not one man among them who has any pretension to the title he bears, they have no public spirit nor general view towards the welfare and good government of the place but are entirely influenced and actuated by self in every thought word and action..... Some members of the Council more sapient in their own estimation than other people, have been inclined to dispute our authority and would argue points which have puzzled the most eminent

[1] Dominion Archives. Selkirk Papers, XXV, 8073
[2] Dominion Archives. Selkirk Papers, XXVI-XXVII, 8221.

lawyers in England, vizt:—our power to administer oaths and justice. They would even question the validity of the Charter and contend that without a regular Commission from the King in Council or the Courts of Canada we had no right to act....

His Lordship it appears at one time gave his consent that some of the settlers should be allowed to distil spirits and they have not only reminded us of this promise but insisted on commencing operations. And this demand is not confined to the lower orders but has been taken up by the Gentlemen of the Council, headed by McDonell who shews his Lordship's authority. But we have firmly opposed it knowing the dangerous consequences that would follow us. If distillation is once commenced, it will not be safe to live in this Settlement.

The title deeds do not give satisfaction and indeed there is a general outcry against them which has risen from the remarks of our very Councillors. And even Thomas, Bird and Cook who have received large grants for nothing, the two former 1,000 acres each and the latter 500, and also McDonell who has 2,000 acres object to signing them and say that they should consider themselves slaves if they did.....

[1]Govr. Pelly and I have turned our attention very much to the formation of schools but as yet to little or no purpose. You will receive herewith copy of a circular and prospectus of a school for the instruction of females under the charge of Miss Allez, which I think is likely to take, and in that case will circulate some money in the Colony and may possibly attach or reconcile some of our Chief Factors, Traders and Officers thereto. The only boy's school we have is one kept by Harbridge sent out by the Church Missionary Society, but the fellow is quite unfit for his situation, stupid, ignorant, consequential and illiterate. Some of our halfbreed boys in the Colony can teach him instead of their receiving instruction from him. If a fit man can be had next season from among the Co's clerks, we expect to establish a boys school under the auspices of our York Council, which would be benefical to themselves and likewise to the Settlement.....

[2]By the Minutes of the Council you will observe that we have had Grant on the Carpet in reference to past affairs. A premeditated and unprovoked assault was made on him while in the discharge of his duties as a clerk to the Coy, by some of

[1] Dominion Archives. Selkirk Papers, XXVI-XXVII, 8245, seq.
[2] Dominion Archives. Selkirk Papers, XXVI-XXVII, 8262, seq.

the Scotch settlers which Govr. Pelly and myself took up very warmly from a glaring interest which some of the Council took therein and fearing that it might lead to serious consequences. After a long and impartial investigation Grant's charge was fully and clearly substantiated and the aggressors were punished by a light fine, but at the close of the proceedings McDonell could not conceal with all his duplicity and cunning the highly improper and indecorous part he took in the affair and nearly suffocated with rage (which he could not suppress) asserted that Grant was brought to Fort Garry merely to alarm and hurt the feelings of the settlers and that *he* would "represent the matter at home."

6. Public Notice regarding Title deeds, Jan. 20th, 1825.[1]

Notice is hereby given, that the Colony register is now prepared for entry of Title-deeds for land. Those of the settlers who have received titles, will bring them for examination and registry the first time they visit the Fort; and those who have as yet received no titles, may have them on application to the Governor at new Fort Douglas.
By order of the Governor.

GRANT FORREST,
Accountant.

Fort Douglas, 20th January, 1825.

(*j.*) DONALD MCKENZIE.

1. Letter from George Simpson to William Kempt, July 9th, 1823.[2]

YORK FACTORY, 9th July, 1823.

Kempt, Esqr.,
RED RIVER SETTLEMENT,

Dear Sir,—

I beg to leave to introduce to your acquaintance the bearer of this, Mr. Don'd McKenzie, Chief Factor, who proceeds to Red River for the purpose of superintending the Company's affairs at Fort Garry, and who I have to request the favour of

[1] Martin: Hudson's Bay Company's Land Tenures, p. 33.
[2] Dominion Archives. Selkirk Papers, XXV, 7915.

your consulting or advising with on all matters of importance connected with the business of the Settlement.

I remain

Dear Sir,

Your most obt. hble. serv't.

(Signed) GEORGE SIMPSON.

2..Letter from Donald McKenzie to A. Colvile, 1826.[1]

Red River, Aug. 1826.

A. COLVILE, Esqr.

Dear Sir:—

I have to acknowledge the honour of receiving your most esteemed favour by the hands of Governor Simpson and offer my cordial thanks for all the kindness you are pleased to express throughout as well as the confidence which you repose by entrusting me with the charge of the Settlement. My best endeavours shall certainly be exerted to render every satisfaction in return but strict attention and good faith with the merit of following my instructions are the only qualities I have to recommend me for the discharge of such a trust. The Governor will doubtless report the state of things here, and the unusual calamities which happened in course of the foregoing season. A repetition on my part might .be unpleasant. Therefore I take the liberty of referring chiefly to him in this instance. Nothing important took place since he left us, excepting the contemplated departure of Swiss and Meurons with some Canadians who like them preferred to quit the country, than submit to the labour of re-establishing their farms. The two former to the number of 50 bent their course to the States and of the latter 25 embarked for the Canadas making a total of 180, big and small. This however was a consummation much to be desired. They mostly were composed of idle and turbulent characters who infested the Colony for several years. In consequence we now look forward to a more peaceable system of things. The waters rose by a gradual ascent for 22 days. They were somewhat longer abating. The industrious among the people who are Scotch and Orkney men returned to the possession of their houseless lands. They soon replaced

[1] Dominion Archives. Selkirk Papers, XXVI-XXVII, 8451, seq.

many of the inroads caused by the flood and such was the increased fertility of the soil that crops in general sprouted above the surface in three days. But this fatness and the subsequent heats have engendered a sort of worm that proves destructive to the tender growths of the season. These accidents invariably deranged a number of the original divisions. Grounds which were allotted for the maintenance of one family who went away had often fallen into the hands of another arriving or may be was interchanged to alleviate distress. Every measure taken to prevent the confusion has proved hitherto of little avail. At this moment in particular it creates a source of much dispute but matters of this nature will get properly reconciled after a while when we are better settled. In consequence of the water, the low grounds remain uncultivated for the present. Many of the people, principally Canadians and Brules prepare for hunting in expectation of recovering their lots next spring, nor are the people in general fixed exactly in their places, because they planted spontaneously in spring wherever the river was first observed to subside. For this reason no statistical account is made out as had been customary, anything of the kind would be very unanswerable to the object in view.

Our fort being situated at the junction of both rivers it has been subject to great dilapidation, more especially the side belonging to the Company. The main body of the Colony buildings stood out the pressure but the stockades and various parts and implements quite indispensable to a place of the kind, have either been smashed in pieces or carried away by the stream. However between the buildings of both enough can be repaired for our purpose without material expence. Mr. Bourke has been discharged. William Tait the man who assisted him went home. They can both be done without, and so far indeed is the business of Company and Colony simplified now that Mr. Heron and a couple of Canadians form our complement for the summer. In course of the autumn I shall expect Mr. Hargraves who used to keep our books or else Mr. Finlayson who is a competent accountant, also in his place. I shall not trouble you with explications on the score of accounts, trusting always they will be found to explain themselves, but I request your attention to one point which is the expence of Governor Pelly's establishment being including to the date of his embarking on board of ship and the due fulfillment of all his contracts, as also the Mill and Mitchell, other servants (*torn*)will please to draw line

between these (*torn*)and the costs actually incurred by me during (*torn*) remainder of the year. The contract I should hope will be striking and satisfying as regards the course of such matters most commonly from Red River. The difficulties and casualties of the past year have surpassed those of any that precede. They were such as I hope never to experience again and the next time I have the pleasure of addressing you let us trust the subject will be more agreeable and interesting. With high consideration,

I am, Dear Sir,

Your most devoted Servant,

DONALD McKENZIE.

P.S.—Two Swiss and three Meurons have resolved on going off by the ship but they are not likely to trouble you on any subject.

A. COLVILE, Esquire,
Hudson's Bay House,
Fenchurch St., London.

(*3.*) *Proceedings of a Council held at Fort Garry on Friday the 4th day of May, 1832.*[1]

Present

George Simpson, Esqre., Governor of Rupert's Land, President.
Donald McKenzie, Esqre., Governor of Assiniboia.
James Sutherland, Esqre., Councillor.
James Pritchard, Esqre., Councillor.
Robert Logan, Esqre., Councillor.

The great injury done to the Woods of the Settlement by fire and the serious danger and loss occasioned annually by that devouring element, arising from the wilfulness of some ill-disposed persons, and the negligence of others, render it absolutely necessary, for the protection of lives and property, that salutary Regulations should be formed with a view to check this evil, and that severe pains and penalties should be inflicted on all persons who may violate such Regulations. It is therefore

[1] The first Minute Book of the Council of Assiniboia (Dominion Archives, M. 721) begins at this point. It ends on March 5, 1861.

Resolved 1st. That in all cases where it can be proved that the proprietor or occupant of Land lights a fire, between the 1st of March and the 1st of December, for any purpose whatsoever, at a distance exceeding fifty yards from his house even upon his own lands, he be fined in the sum of ten pounds, which will be levied forthwith by the sale of the partie's effects if necessary, one half of which fine shall be paid over to the informant and the other half retained in the hands of the Council, as a fund to meet such objects as they may hereafter be desirous of carrying into effect connected with the welfare and prosperity of the Settlement.

Resolved 2nd. That, in all cases where it can be proved that any person lights a fire between the 1st of March and the 1st of December, either in the woods or plains beyond the boundary of his own property or farm, within ten miles of the banks of the river on either side whether it be productive of any injury or not, he be fined in the sum of ten pounds, to be levied as stated in the foregoing Resolution and to be disposed of in like manner, except in cases where such fires may have been lighted through absolute necessity, of which the Council alone (shall) be competent Judges and, if the party so transgressing be destitute of means to pay the fine, he be banished from the Settlement and subjected to hard labour, and the produce thereof be applied to the liquidation of the fine.

Another very serious evil exists in all parts of the Settlement from pigs being allowed to range at large beyond the limits of the ground occupied by the parties to whom they belong, rooting up the young timber, and doing a vast deal of injury to the public. In order to check this evil, it is

Resolved 3rd. That all persons be at liberty to seize any pigs they may find trespassing on their lands, whether those lands be fenced or unfenced, to retain possession of such pigs until the parties to whom they belong pay the sum of two shillings to the proprietor of the ground on which such pigs are found for every such trespass, and unless that sum be paid within eight days after such pigs may have been seized the parties be at liberty to sell them after giving eight further days notice to six constables that such pigs are in pound; and that all constables be hereby authorized to seize any un-ringed pigs they may find straying after the 10th of May, beyond the boundaries of the property occupied by the parties to whom such pigs

belong, and to retain them for their own benefit, as a perquisite of office.

Another evil arises from stallions being allowed to range at large over the Settlement to the great danger of life and annoyance of the public, which it likewise becomes absolutely necessary to check; It is therefore

Resolved 4th. That all constables be enjoined, and all persons be authorized to seize and pound any stallions they may find straying in any part of the Settlement, and to hold them in safe keeping until the proprietors liberate them by payment of the sum of twenty shillings to the party seizing them, which he shall be at liberty to apply to his own use as a recompence for his trouble and loss of time in taking them, and if not liberated by the payment of that sum within fourteen days after notice shall have been given to six constables that such stallions are in pound, the parties seizing them be authorized to have them cut, by persons accustomed to such operations, at the risk of the proprietor, and be at liberty to use them in labour as if their own property, until liberated by payment of the fine.

Resolved 5th. That all occupants of land be held liable to give three days labour at any time when called upon before the 1st of September towards the improvement of roads and bridges unless they commute the same by the payment of three shillings in money for that object, into the hands of the Governor of Assiniboia, before the 1st of July.

Resolved 6th. That public fairs shall hereafter be held annually on Frog Plain, on the 1st Monday after the 20th September, and on the 1st Monday after the 20th of May ensuing.

In order to check the felonious practice of taking horses away from their grazing without the consent of the owners, and riding or driving them in harness to a distance It is

Resolved 7th. That for every such offence the culprit be fined in the sum of ten pounds to be paid over forthwith to the party whose horse has been so stolen, and in case the culprit have not the means of paying the fine, he be kept at hard labour for two months at public works without any remuneration for his services.

GEORGE SIMPSON.
JAS. SUTHERLAND.
R. LOGAN.

2. THE COMPANY PERIOD.

Minutes of a Council held at Fort Garry for Red River Settlement, District of Assiniboia, Rupert's Land, on Thursday the 12th day of February, 1835, at which were present:
George Simpson, Esq., Governor of Rupert's Land, President.

The Revd. D. T. Jones, Councillor.
The Revd. Wm. Cockran, "
James Bird, Esqre., "
James Sutherland, Esqre., "
William H. Cook, Esqre., "
Robert Logan, Esqre., "
John Pritchard, Esqre., "
John Charles, Esqre., " of Rupert's Land.
Alexander Christie, Esqre., " " "

And by Invitation.

The Revd. The Bishop of Juliopolis.
Donald Ross, Esquire C. Trader Honble. H. B. Coy. Service.
Alexander Ross, Esquire, Sheriff of Assiniboia.
John Bunn, Esquire, M.D., Assiniboia.
Andrew McDermot, Esquire, Settler & Merchant, Assiniboia.

Resolved. That the Right Revd. The Bishop of Juliopolis, Donald Ross, Alexander Ross, John Bunn and Andrew McDermot, Esquires, be invited to attend, and requested to assist with their advice in its deliberations.

Governor Simpson, after a few preliminary observations, then read the following prefatory address to the Gentlemen of the Council.

GENTLEMEN:—

In order to guard as much as possible against misapprehension within doors or misrepresentation out of doors on the subjects which I am now about to bring under your consideration, I shall thus briefly notice them. From their importance they cannot fail of calling forth due attention and from the deep and lively interest you all feel in the welfare and prosperity of the Colony, I am satisfied that you will afford me the benefit of your assistance and support towards carrying into effect such measures as may appear to you best calculated under existing circumstances to answer every desirable object.

The population of this Colony is become so great, amounting to about 5,000 souls,[1] that the personal influence of the Governor and Council, and the little more than nominal support afforded by the Police, which, together with the good feeling of the public, have heretofore been its principal safeguard, are no longer sufficient to maintain the tranquillity and good government of the Settlement, so that although rights of property have of late been frequently invaded and other serious offences been committed,[2] I am concerned to say we are under the necessity of allowing them to pass unnoticed because we really have not the means at command of enforcing obedience and due respect to the law.

Under such circumstances, it must be evident to one and all of you that it is quite impossible society can be held together, that the time is at length arrived when it becomes necessary to put the administration of Justice on a more firm and regular footing than heretofore, and that immediate steps ought to be taken to guard against dangers from abroad or difficulties at home, for the maintenance of good order and tranquillity, and for the security and protection of lives and property. Towards these important ends I therefore beg to propose the following Resolutions, which I trust will receive your favourable consideration.

In order to raise funds for defraying such expenses as it may be found necessary to incur towards the maintenance of tranquillity and enforcing due respect and obedience to the laws, rules and regulations which are at present in existence,[3] or which may be hereafter framed for the good government of the Settlement, it is

Resolved 1st. That an import duty be levied at York on all goods, stores and merchandize of foreign produce or manufacture, which may be forwarded to Red River, either for sale or

[1] This estimate is too high according to Census Books that have survived, the actual population was,—for 1831, 2,417; 1832, 2,751; 1833, 2,982; 1834, 3,360; 1835, 3,679; 1838, 3,972; 1840, 4,369.

[2] This undoubtedly refers to troubles over the price of pemmican and an attack made by the explorer, Thomas Simpson, on the half-breed Larocque.

[3] Such for instance as those relating to the tenure of land (See Bulger Papers M. 151, p. 461) including regulations concerning spirituous liquors, trading goods, the Fur Trade, repairing public roads, supporting clergymen, defending the settlement. All of these are contained in the conditions for settlers by November 3, 1823. Among other regulations are those adopted by the Council on May 4, 1832 relating to fires, pigs and stallions allowed to range at large, statute labour for improvement of roads and repairing of bridges, public fairs, and driving of horses.

private use, (except made up clothes, books or other private personal baggage in use) of 7½ p. cent on the amount of invoice, the Gentleman in charge of York factory taking payment of the same forthwith, or such guarantee or security for the due payment thereof as he may consider necessary for the protection of the Fur Trade, which will have to account for or pay over the said duty on the arrival of the Goods at Red River, to a Receiver to be hereafter appointed, but as it may this year be inconvenient for the Importers to exhibit their invoices for the consignment of next season, 1835, that the duties of that importation be collected by the Receiver after the arrival of the goods at Red River, to whom each importer must exhibit his invoice, and pay duty on the amount previous to delivery of the goods, and that a like duty of 7½ p. cent shall be levied on all country produce that may be brought by the Fur Trade to the Settlement for sale; likewise on all goods that may be brought from Canada or elsewhere for sale or private use except personal baggage, such as clothes, books, etc., in use, and further that a duty of 7½ p. cent be levied on all goods, stores or supplies, the growth, produce or manufacture of the Settlement, to be paid by the exporters.

Resolved 2nd. That a public building, intended to answer the double purpose of Court house and Gaol agreeably to a plan to be prepared by the Board of Works, be erected as early as possible within the walls of the New Establishment of Fort Garry about to be formed at the Fork of the Red and Assiniboine Rivers, the expense whereof to be defrayed out of the duties to be collected from time to time on goods that may be imported into Red River.

Resolved 3rd. That James Bird, Esquire, be appointed Receiver of Import and Export Duties, and be required to keep an account Book of all receipts and payments which he will have to lay before the Governor and Council and the Committee for the management of Public Works, from time to time, as he may be required so to do, and that no monies be paid away by him without a warrant or order in writing[1] signed by at least three Members of the Board of Public Works, one of whom must either be the Chairman or Deputy Chairman.

Resolved 4th. That a Committee for the management of Public Works be formed consisting of 5 members, say the prin-

[1] Some of these warrants or orders of a later date have been preserved in the Manitoba Provincial Library among Documents relating to the Council of Assiniboia.

cipal representative for the time being of the Honourable Company at Red River, Robert Logan, Esquire, Alexander Ross, Esquire, John Bunn, Esquire, and Andrew McDermot, Esquire, and that the principal Representative of the Honourable Company at Red River be Chairman and Robert Logan, Esquire, Deputy Chairman of the said Committee, and that three Members, including either the Chairman or Deputy Chairman, constitute a Board for the dispatch of business.

Governor Simpson having intimated that the Fur Trade have been pleased to make a grant of £300 in aid of Public Works; It is

Resolved 5th. That a vote of thanks be returned to the Governor and Council of Rupert's Land, for liberal grant of £300 which they have thus been pleased to make in aid of Public Works.

The present Police Establishment being considered insufficient for the maintenance of the Peace of the Settlement; It is

Resolved 6th. That the said Police Establishment be discharged or disbanded from and after the 1st of April next and that a more efficient and disposable force be embodied to be styled a Volunteer Corps whose duties shall commence from and after the said 1st of April next.

Resolved 7th. That the said Volunteer Corps shall amount to 60 Officers and Privates, consisting of one Commanding Officer, one Serjeant-Major, 4 Serjeants and 54 Privates whose pay amounting to about £400 p. annum shall be defrayed from the Revenue arising on Imports and Exports, and who shall receive additional pay when employed as Constables in private cases, and whose public duties shall be hereafter defined.

Governor Simpson on behalf of the Governor and Council of Ruperts Land, having intimated the allowance of £100 heretofore afforded for the maintenance of the Police Establishment, shall be continued and made applicable towards the expences of the Military Corps; It is

Resolved 8th,—That a vote of thanks be returned to the Governor and Council of Rupert's Land for the liberality thus manifested.

The Colony is now become of such extent that it is found inconvenient to examine into all the cases of dispute and difficulty that occur from one extremity thereof to the other, by one Magistrate as heretofore, or at any one given point, It is therefore

Resolved 9th,—[1]That from and after the 1st of May next the Settlement be divided into four Districts, the 1st District to extend from the Image Plain downwards, the 2nd District from the Image Plain to the Forks, including the Banks of the Assiniboine below Sturgeon Creek, the 3rd District from the Forks upwards on the main River, and the 4th the White Horse Plain,[2] for each of which Districts a Magistrate or Justice of Peace be appointed, who shall attend at places to be hereinafter determined for the purpose of hearing and deciding on cases of petty offence, and of debts under 40/ that may be brought before them, for the 1st District on the 1st Monday of every quarter, for the 2nd on the 2nd Monday of every quarter, for the 3rd on the 3rd Monday of every quarter, and for the 4th on the 4th Monday of every quarter; that two Constables in rotation in the order in which they stand on the list of each division shall be in attendance and subject to the orders of the Magistrates on such days, and that a general Court of the Governor and Council shall be held at the Governor's residence on the last Thursday of every quarter,[3] at which the said Magistrate shall attend, when cases of a more serious nature, cases of debt exceeding 40/, and all appeal cases from the decision of the Justices of Peace, shall be examined into, such Court to be adjourned from day to day until all the cases in hand be disposed of, and as a check on frivolous and vexatious litigation, that the prosecutor shall pay into Court a fee of 3/ before any warrant be issued, and in cases of appeal from the Justice of Peace Court to the Court of the Governor and Council, a fee of 5/ be paid into Court by the appealant, these fees to be paid into the hands of the Receiver of duties, to be paid in like manner as all other public funds, agreeably to the warrant of the Committee for the management of Public Works; and that James Bird, Esquire, be appointed Justice of Peace for the 1st District, James Sutherland, Esquire, be appointed Justice of Peace for the 2nd District, Robert Logan, Esquire, be appointed Justice of Peace for the 3rd District, and

[1] The Manitoba Provincial Library possesses among Documents relating to the Council of Assiniboia, Document No. 1, "Notes by Sir Geo. Simpson when laying out the Colony into Petty Court Districts, 1835." This is evidently wrongly named. The handwriting is quite unlike that of Sir George Simpson. It really belongs to 1850.

[2] The Half-breeds had settled at White Horse Plain some 20 miles up the Assiniboine.

[3] Three volumes of General Quarterly Court Records are found in the Manitoba Provincial Library, Winnipeg. The earliest record, however, is that of November 21, 1844.

Cuthbert Grant, Esquire, be appointed Justice of Peace for 4th District.

Resolved 10th. That the Volunteer Corps of 60 Officers and men, shall consist of

1 Commanding Officer
1 Serjeant Major
4 Serjeants
54 Privates

To be paid as follows Vizt.

1	Commanding Officer	@	£20	p. annum	£ 20
1	Serjeant Major	@	12	"	12
4	Serjeants	@	10	"	40
54	Privates	@	6	"	324
					£ 396

who will have to serve 28 days in every year for the above pay but not exceeding 7 successive days and nights at a time, and when employed on weekly duty not to absent themselves from their posts, duties or encampments, without special permission first asked and obtained from the Commanding Officer, and when so employed to be allowed 6d per diem in lieu of rations that their duties be understood to comprehend drill, parade, review and guard, likewise offensive and defensive service connected with the protection, defence and tranquillity of the Settlement, and in supporting and enforcing such laws, rules and regulations, as are now in existence, or may be framed from time to time for its good government by the said Governor and Council. That the Serjeants and Privates be not required to serve more than 28 days in the year for the above pay, although bound to serve whenever they may be called upon by the Commanding Officer at the following wages, say for the Serjeants 4/ per diem, and for the Privates 3/ p. diem besides 6d per diem in lieu of rations, but that no additional allowance be made to the Commanding Officer, beyond the annual payment of £20, even should the duties of his office exceed 28 days service. That the Serjeants and Privates be bound to act as Constables and Peace Officers in the serving of warrants, apprehension of persons &c. in cases of debt or private complaint, when they shall be paid in like manner, at the cost of private prosecutors or defendants. That no Serjeant or Private be at liberty to absent himself from the Settlement exceeding 6 days

at a time, even when off duty and that only by the consent in writing of the Commanding Officer, and that not exceeding one-third of the whole corps be permitted to absent themselves exceeding a fortnight at a time from the Settlement except by permission of the Governor and Council and even in that case to provide substitutes to act for them in their absence, who must be approved by the Governor and Council.

Resolved 11th. That the enlistment shall be on oath, after the following form before a Magistrate and Clergyman for a term of three years, during which time it will not be competent to any Officer or Private to withdraw from the Corps, although it shall be competent to the Governor and Council to disband the Corps, or discharge any of its members at pleasure. That the members of the Corps be amenable to such laws, rules, and regulations as may now be in existence or be from time to time framed for the good government of the Settlement at large, in like manner as other inhabitants but that all cases of insubordination, breach of duty or discipline, be examined into by the Governor and Council, and be punishable according to the character of the offence. In short that everything connected with the good order or discipline of the Corps, be as much as possible in unison with and conformable to the practice and usages connected with such service in the British Army.

Form of Enlistment Oath.

You, A. B. Voluntarily Swear and Engage that you shall well and truly serve our Sovereign Lord the King and the Governor and Council of the District of Assiniboia, in the double office or capacity of private in a Volunteer Corps about to be embodied in Red River Settlement to be styled the Red River Volunteers and Peace Officer in the said Settlement of Red River, District of Assiniboia, Rupert's Land for a term of three years, from and after the 1st of April, 1835, if so long required by the said Governor and Council and shall well and truly serve the said double office of private in the Volunteer Corps and Peace Officer until lawfully discharged therefrom.

You likewise swear and engage that you shall alwavs hold yourself in readiness during the existence of this engagement, to well and truly serve our Sovereign Lord the King and the Governor and Council of the District of Assiniboia, in any offensive or defensive service connected with the protection to de-

fense and tranquillity of the Settlement, and in supporting and enforcing such laws, rules, and regulations as are now in existence, or may be framed from time to time for its good government by the said Governor and Council, and further that you shall act in obedience to any rules and regulations that may be framed for the government and discipline of the said Corps and conformably to the true spirit, meaning and intention of the 10th, 11th, 12th, and 13th Resolutions of the Governor and Council of Red River Settlement passed at Fort Garry on Thursday the 12th of February 1835.

Sworn before me at
this day of 183 } A. B.
Magistrate.

Resolved 12th. That Alex. Ross, Esquire, be appointed Commander,

Angus Matheson, [1]be appointed Serjeant Major.
John Bird, [2]be appointed Serjeant 1st District.
J. P. Bourke, [3]be appointed Serjeant 2nd District.
William Shaw, [4]be appointed Serjeant 3rd District.
Bostonnais Pangman, [4]be appointed Serjeant 4th District.

And that all the offices of Privates be offered to the 54 persons enumerated in a list which have been agreed to and in the event of their declining the appointments, the lists be completed under the direction of the Governor.

Resolved 13th. That standing orders, rules and regulations for the discipline and good government of the Corps, be prepared and submitted to the consideration of the Governor and Council at their next meeting, and when approved and deter-

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[1] Angus Matheson.—He was a member of the party, chiefly from old Kildonan which landed at York Factory on August 26th, 1815. He reached Red River the same year. His name appears on the petition for troops presented to the Prince Regent after the troubles of 1816.

[2] John Bird.—An English Half-breed. He accompanied Mr. Thomas Simpson, the explorer, on his fatal journey.

[3] John P. Bourke. He had belonged to Owen Keveny's party which had arrived at Red River, October 27, 1812. Here he became a storekeeper. He was wounded at Seven Oaks but escaped by flight. He was among those who found refuge at Norway House in 1815. He was carried prisoner to Fort Alexander, Fort William, Montreal, &c., and endured terrible sufferings.

[4] William Shaw and Bostonnais Pangman.—As Chiefs of the Half-breeds with 2 others they had signed the Articles of Agreement with the H. B. Co., represented by Chief Factor James Sutherland, on June 25, 1815, after the arrest of Governor Miles Macdonell.

mined on, that a copy thereof be handed over to each Officer for the information and instruction of the Corps.

Resolved 14th. That this Council do now adjourn.

GEO. SIMPSON.
DAVID T. JONES.
WILLIAM COCKRAN.
JAMES BIRD.
JAS. SUTHERLAND.
W. H. COOK.
R. LOGAN.

Proceedings of a Council held at Fort Garry, on Thursday the 30th Day of April, 1835.

Present

George Simpson, Esquire Govr. of Rupert's Land, President.

The Rev. D. T. Jones, Councillor.
James Bird, Esq., Councillor.
James Sutherland, Esq., Councillor.
Robert Logan, Esq., Councillor.
John Pritchard, Esq., Councillor.
Alexander Ross, Esq., } Members of the Board of Works.
John Bunn, Esq., }
Alexander Christie, Esq., }
John Charles, Esq., } Councillors of Rupert's Land.
John Lee Lewis, Esq., }
Cuthbert Grant, Esq., Justice of Peace, 4th District.

In order to guard against the destruction of woods, hay, &c., &c., by neglected fires; it is

Resolved 1st. That all persons be strictly prohibited from lighting fires for any purpose whatsoever beyond their enclosed ground under cultivation, unless the assistance of ten neighbours at least be obtained to extinguish the said fire, under a penalty f 20/, to be levied on his goods, besides being answerable for all damages that may arise from fires so lighted.

Resolved 2nd. That all persons be at liberty to seize any pigs they may find trespassing on their enclosed lands, to retain possession of such pigs, until the parties to whom they belong pay the sum of five shilings to the proprietor of

the ground on which they are found, for every such trespass, and unless that sum be paid within eight days after such pigs may have been seized, the parties to be at liberty to sell them, after giving public notice in writing at the church door.

Resolved 3rd. That all Constables be enjoined, and all persons authorised, to seize and pound any stallions, of two years old or upwards, which they may find straying in any part of the Settlement, and to hold them in safe keeping, until the proprietors liberate them by payment of the sum of twenty shillings to the party seizing them, which he shall be at liberty to apply to his own use, as a recompense for his trouble and loss of time in taking them, and if not liberated by the payment of that sum within fourteen days after public notice in writing shall have been given at the church door that such stallions are in pound, the parties seizing them shall be authorized to sell them by public auction in order to defray all charges and expences, the surplus to be paid to the proprietor.

In order to check the felonious practice of taking horses away from their grazing, without the consent of the owners, and riding or driving them to a distance—

Resolved 4th. That for every such offence the culprit be fined a sum of not less than 20/ and more according to injury and distance, to be paid over forthwith to the party whose horse has been stolen, and in case the offender have not the means of paying the fine he be imprisoned for a period of not less than fourteen days.

Resolved 5th. That this Council do now adjourn.

GEO. SIMPSON,
DAVID T. JONES,
JAMES BIRD,
JAS. SUTHERLAND.
R. LOGAN,
ALEXANDER ROSS.
JOHN BUNN.

Minutes of a Council held at New Fort Garry for the Red River Settlement, District of Assiniboia, Rupert's Land, on Monday the 13th day of June, 1836, at which were present,—

George Simpson, Esqre., Govr. of Rupert's Land, President.

Alexander Christie, Esq., Chief Factor of Rupert's Land, Councillor.

28159—18½

The Rev. D. T. Jones, Councillor.
The Rev. Wm. Cockran, "
James Bird, Esquire, Councillor.
James Sutherland, Esquire, Councillor
Wm. H. Cook, " "
Robert Logan, " "
John Pritchard, " "
Alex. Ross, " "
John Bunn, " "
John McAllum, " "

Extracts from the Governor and Committee's Dispatch of 9th March, 1836, relative to the public business of Red River Settlement having been read.—Alex. Ross, John Bunn, and John McAllum, were sworn in Councillors of the District of Assiniboia, (agreeably to the minutes of the Governor and Committee of 2nd March last, appointing these Gentlemen to that Office) and took their seats accordingly.

It being found from the general complaint of the public, that the Police establishment or Volunteer Corps formed agreeably to the Resolutions of the Council of Assiniboia, of the 12th February, 1835, is not efficient under the present system of granting leave of absence without providing efficient substitutes, It is

Resolved 1st. That no leave of absence be granted to any member of that Corps in future, unless an efficient substitute be provided, and that in the event of any member thereof absenting himself from the Settlement exceeding one week at a time, without such substitute being provided, he be paid off, and considered as discharged from the Corps, and the vacancy occasioned by such discharge be filled up by an active efficient man, who may be willing to accept the office, under this restriction; nevertheless that Alex. Christie, Esquire, the Commanding Officer of the Corps, and any one other member of the Council be authorised to modify this resolution, during the course of the current year, as circumstances may render necessary.

With reference to that part of the Governor and Committee's Dispatch, in which they suggest that the duty on goods imported into Red River Settlement, be reduced from 7½ to 5 p. cent, It is

Resolved 2nd. That all goods imported from England or Canada, or exported from Red River the produce of the

Colony, during the year 1836, be chargeable with a duty of 5 p. cent accordingly.

Resolved 3rd. That the goods (importations of 1836) of such importers, as have not paid the duties, on their importations of last year, be detained at York factory, until the Receiver of duties in Red River, intimate to the gentleman in charge of York factory that he be at liberty to deliver them.

Resolved 4th. That the person in charge of craft from York be required to deliver their Bills of lading, or satisfactory accounts of the ladings to the person in charge of the Honorable Company's New Establishment below the Rapids, in order to facilitate the collection of the duties.

With reference to the Resolution of the Council of 12th February, 1835, It is

Resolved 5th. That the Receiver of Duties be allowed, for the past and current years, a salary of fifteen pounds sterling per annum, and that the District Magistrates be in like manner allowed, for the past and current years, a salary of five pounds per annum .

Resolved 6th. That Alexander Christie, Esquire, be authorized to call a Meeting of the Council, independent of the regular, or formal sittings (provided for in the Resolution of 1835) when he may consider such necessary.

It being found that the public tranquillity of the Settlement is greatly endangered, by the sale and traffic of beer to Indians It is

Resolved 7th. That such sales or traffic be prohibited from and after the 1st of July of the current year, and that any one who may sell to or traffic beer with Indians, after that date, be liable in a penalty of twenty shillings, for every such offence, all such fines and penalties to be made applicable to Public Works.

Resolved 8th. That in all cases where the Police are employed in the apprehension of felons, or in reference to Criminal or felonious offences, the time which they may be so employed to be considered as part of the twenty-eight days servitude they are bound to afford without other pay or emolument than their annual salary, but that when employed in Civil cases the private prosecutor pay for their services, as already provided for.

Resolved 9th. That the Revenue arising from duties be made applicable to the payment of the Volunteer Corps, and

other public objects conformable to the Resolution of Council of Assiniboia of 12th February, 1835, herein alluded to:—

Resolved 10th. That each Member of the Council be provided with a copy of the Minutes of this and all other Councils that may be hereafter held for the purpose of being made public.

Resolved 11th. That this Council do now adjourn.

GEO. SIMPSON, Govr.
ALEXR. CHRISTIE.
DAVID T. JONES.
WILLIAM COCKRAN.
JAMES BIRD.
JAS. SUTHERLAND.
W. H. COOK.
R. LOGAN.
ALEXANDER ROSS.
JOHN BUNN.
JOHN MACALLUM.

Minutes of a Council held at Fort Garry, Red River Settlement, on Thursday the second day of February, one thousand eight hundred and thirty seven, at which were present.

Alexander Christie, Esquire, Govr. of Assiniboia.
Revd. D. T. Jones, Councillor.
Revd. Wm. Cockran, "
James Bird, Esquire, "
Robert Logan, " "
John Pritchard, " "
Alexander Ross, " "
Andrew McDermot, " "
John Bunn, " "
John Macallum, " "
Cuthbert Grant, " Justice of Peace, 4th District.

Several objections having been made by many of the Colonists to the validity of Indian evidence; it is

Resolved 1st. That the evidence of an Indian be considered valid, and be admitted as such in all Courts of this Settlement.—

With reference to the 7th Resolution of the Council of 13th June, 1836, relative to the still general practice of selling Beer to Indians: It is

Resolved 2nd. That all persons who give information of sale and traffic of beer with Indians, shall, upon conviction of the offender, receive one half of the penalty levied.

Resolved 3rd. That at the general Quarterly Courts held at Fort Garry for the purposes specified in the 9th Resolution of the Council of 12th February, 1835, any Councillor being a party to a case brought forward for the decision of the Court, shall leave his seat as Councillor while such case is under consideration.

Resolved 4th. That a detailed statement of the Public fund arising from Export and Import Duties, be laid before the Council at its next sitting.

Resolved 5th. That this Council do now adjourn.

ALEX. CHRISTIE,
DAVID T. JONES,
WILLIAM COCKRAN,
JAMES BIRD,
R. LOGAN,
ALEXANDER ROSS,
JOHN BUNN,
JOHN MACALLUM.

Minutes of a Council held at Fort Garry, Red River Settlement, this sixteenth day of June, one thousand eight hundred and thirty seven, at which were present

George Simpson, Governor in Chief.
Alex. Christie, Chief Factor.
Rt. Revd. The Bishop of Juliopolis, Councillor.
Revd. D. T. Jones, Councillor.
Revd. Wm. Cockran, "
James Bird, "
Robert Logan, "
James Sutherland, "
John Pritchard, "
Willm. H. Cook, "
Alexr. Ross, "
John Bunn, "
George Cary, "
John Macallum. "

The Governor commenced the proceedings of the Council by reading certain Extracts from the Dispatch of the Governor

and Committee of 15th February, 1837, respecting the affairs of Red River Settlement and then proceeded to swear in the Right Revd. Bishop of Juliopolis[1] & Captn. Cary as Members of Council.—

Resolved 1st. That the 9th Resolution of the Council of 13th February, 1835, should be rescinded;—and in order to remedy certain difficulties that are found to exist from the present mode of administering justice, it is

Resolved 2nd. That the Settlement shall be divided into three Districts,—the lower District to extend from the Frog[2] plain downwards,—the middle District from the Frog plain upwards on the main, and as far as Sturgeon Creek on the Assiniboine Rivers,—and the upper District upwards from Sturgeon Creek on the Assiniboine River; That for each of these Districts two Magistrates be appointed, and that any three of those Magistrates shall hold Courts, on the first Monday of every quarter for the lower District,—on the second Monday of every quarter for the middle District, and on the third Monday of every quarter for the upper District, to hear and decide all cases of petty offence and of debts not exceeding £5, and that all other Cases of offence and of debt exceeding £5 be heard and decided upon by a general Court to be held at Fort Garry on the last Thursday of every quarter; and that such Court shall consist of the Governor or the Hudson's Bay Company's principal representative for the time being in the District, together with not less than four Magistrates.

Resolved 3rd. That James Bird and John Bunn, Esquires, be appointed Magistrates for the lower District, Robert Logan and Alex. Ross, Esquires, Magistrates for the middle District, and Cuthbert Grant and George Cary, Esquire, Magistrates for the upper District.—James Bird, John Bunn, Robert Logan, Alex. Ross and George Cary were sworn as Magistrates accordingly.—

Resolved 4th. That Alexander Christie, Esquire, be authorized to call a meeting of the Council, independent of the regular and formal sittings, when he may consider such necessary.

The Governor and Committee having authorized the erection of a distillery, which is likely to be attended with important advantages, in the Settlement; it is

[1] Bishop Provencher was known as Bishop of Juliopolis, then of the North West, and finally of St. Boniface.
[2] i.e., at Kildonan.

Resolved 5th. That a vote of thanks be returned to the Governor and Committee for such privilege.

In order to check the abuse of Spirituous liquors in the Settlement, it is

Resolved 6th. That an excise duty of two shillings p. gallon be levied on all proof spirits, consumed in the Settlement, the produce of the distillery, and that all such spirits exported from the Settlement shall be free of duty, and that the revenue arising from such tax shall be made applicable in like manner as the duties on Imports and Exports, to defraying the expenses connected with the maintenance of the police Corps, Gaol, Court House, and other public works or institutions that may be considered necessary for the good government of the Settlement.

Resolved 7th. That the duty on Exports & Imports to Red River Settlement be reduced to 4 p. cent, and that farther reduction be made when the funds arising from the Excise tax become available.

The arms now used by the Police of the Settlement being unfit for the purpose for which they were intended; it is

Resolved 8th. That Governor Simpson be requested to purchase and forward for the use of the Police Corps 25 well finished guns, 2 feet, 9 inches barrel, 28 ball to the lb. bore, with 15 inch bayonets and wooden ramrods, to cost not exceeding thirty-five shilling each; likewise three copies of Burn's Justice and three copies of the Magistrates Manual,—the amount of which, freight and charges, to be debited the Red River Export and Import duty account.

Resolved 9th. That this Council do now adjourn.

Fort Garry, Red River Settlement, 16th June, 1837.

ALEXR. CHRISTIE.
†J.N., Ev. de JULIOPOLIS.
DAVID T. JONES.
WILLIAM COCKRAN.
JAMES BIRD.
JOHN PRITCHARD.
JOHN MACALLUM.
ALEXANDER ROSS.
ANDREW McDERMOT.
JOHN BUNN.
GEO CARY.

Minutes of a Council held at Fort Garry, Red River Settlement, on Friday the fifteenth day of June, One thousand, Eight hundred and thirty-eight, at which were present the following members, vt.

Alexander Christie, Chief Factor, President.
The Rt. Rev. Bishop of Juliopolis, Councillor.
Revd. D. T. Jones, "
Revd. William Cockran, "
James Bird. "
Robert Logan, "
John Pritchard, "
Alexr. Ross, "
John Bunn, "
George Cary, "
John Macallum, "
Andrew McDermot, "

Resolved 1st. That Cuthbert Grant, Esquire, one of the Magistrates for the Upper District, be invited to attend; and in consequence he was present.

The President commenced the proceedings of the Council by reading the 3rd, 4th, 5th, 6th, 7th and 8th paragraphs of the Governor and Committee's Dispatch of 7th March, 1838, relative to the affairs of Red River Settlement.

Resolved 2nd. That a vote of thanks be returned to the Governor and Committee for the paternal feeling evinced in the Dispatch above referred to; and the Council hail with peculiar satisfaction the prospect held out of an improvement in the administration of justice.

With reference to that part of the Governor and Committee's Dispatch in which they suggest that the duty on goods imported into Red River Settlement be not reduced until the funds for defraying Public expenses become available: it is

Resolved 3rd. That all goods imported from England or Canada, or exported from Red River, the produce of the Colony, during the year 1838, be chargeable with a duty of four per cent on the prime cost accordingly.

The engagements of the Volunteer Corps embodied under the 6th and 7th Resolutions of Council, dated 12th February, 1835, having expired on the 1st April last: it is

Resolved 4th. That the Volunteer Corps be maintained until the 15th June, 1839, upon the same terms, and subject to the same duties as heretofore.

Whereas much inconvenience and great destruction of property have been caused by cattle breaking through enclosures: it is

Resolved 5th. That before indemnification can be made to the injured party, the sufficiency of his fence must be confirmed by the oath of at least two of his neighbours, and the animal that committed the depredation proved, in like manner, to be notorious for breaking fences.

It appearing that a considerable balance remains to the credit of the Red River Export and Import Duty: it is

Resolved 6th. That the Honourable Committee be requested to open an account for the said balance, and place it at interest in their hands.

Resolved 7th. That this Council do now adjourn.

FORT GARRY, RED RIVER SETTLEMENT,
15th June, 1838.

ALEXR. CHRISTIE, C.F.
†J. N., Bishop of Juliopolis,
WM. COCKRAN,
JAMES BIRD,
JAS. SUTHERLAND,
JOHN PRITCHARD,
ALEXANDER ROSS,
JOHN BUNN,
GEO. CARY,
JOHN MACALLUM.

Minutes of a Council held at Fort Garry, on requisition of the Governor-in-Chief of Rupert's Land, on Thursday, the thirteenth day of June, one thousand, eight hundred and thirty nine, at which were present,

The Governor-in-Chief, President.
Duncan Finlayson, Governor of Assiniboia.
Adam Thom, Councillor, Assiniboia.
The Rt. Revd. Bishop of Juliopolis, Councillor, Assiniboia.
The Revd. William Cockran, Councillor, Assiniboia.
James Bird, " "
James Sutherland, " "

John Pritchard, " "
George Marcus Cary, " "
John Bunn, " "
John Macallum, " "
Alexander Ross, " "
John McLoughlin, Councillor of Rupert's Land.
Alexander Christie, " "
John Rowand, " "
James Hargrave, Chief Trader.
Nichol Finlayson, "

Mr. Macallum having been requested to act as Clerk, the President read to the Council such portions of the Despatch of the Governor and Committee of 20th March, 1839, as related to the affairs of Red River Settlement.

The President then read and laid on the table the subjoined extract from minutes of a General Court held at the Hudson's Bay House, London, on the thirteenth day of March last:

" The several recommendations of the Committee of the " 27th February last having been read, it was unanimously " resolved to adopt the same.

" 1st. That the several resolutions appointing Governor of " Rupert's Land, Governor of Assiniboia, Members of Council " and other officers made at the General Courts held on the 29th " May, 1822, and 21st May, 1823, be rescinded and revoked—

" 2nd. That there shall be appointed a Governor-in-Chief " of Rupert's Land, who shall have authority over the whole " of the Company's Territories for judicial and other purposes, " and the exercise of the power vested in him by the Charter.—

3rd. That George Simpson, Esquire, be Governor-in-Chief "of Rupert's Land.

"4th. That there shall be appointed a Council of Rupert's "Land.

"5th. That the following gentlemen be Councillors of "Rupert's Land, viz.: Adam Thom,[1] John George Mc-"Tavish,[2] George Keith,[3] John Dugald Cameron,[4] John "Charles,[5] John McLoughlin,[6] James Keith,[7] Joseph

[1] He was Recorder of Rupert's Land. See Introduction.
[2] He was Chief Factor under the Deed Poll of 1821. He had helped to trick Astor out of his Columbia fur post. As a Nor'Wester partner he had charge of Fort Chippewyan. On the union of the two companies he became superintendent of York.
[3] He was a Chief Factor under the Deed Poll of 1821.
[4] He was a Chief Factor under the Deed Poll of 1821.

"Beioley,[8] Alexander Christie,[9] William Conolly,[10] "John Rowand,[11] Allan McDonell,[12] Peter Warren "Dease,[13] John Lee Lewis,[14] Roderick McKenzie,[15] "Duncan Finlayson,[16] Peter Skene Ogden,[17] Alexander "Roderick McLeod,[18] Angus Cameron,[19] and Samuel "Black,[20] Esquires.

"6th. That there shall be appointed a Governor of Assini- "boia, who shall, in the absence of the Governor-in-Chief of "Rupert's Land, have the authority of Governor-in-Chief, under "the provisions of the Charter, within that District.

"7th. That Duncan Finlayson, Esquire, be Governor of the "District of Assiniboia.

"8th. That there shall be, in addition to the Councillors of "Rupert's Land, a Council of the District of Assiniboia.

"9th. That the following gentlemen be Councillors of the "District of Assiniboia, viz.: Adam Thom, Esquire, Barrister, "the Rt. Revd. the Roman Catholic Bishop of Juliopolis, The "Reverend William Cockran, James Bird, James Sutherland, "William H. Cook, John Pritchard, Robert Logan, George "Marcus Cary, John Bunn, John Macallum, John Peter "Pruden, Alexander Ross, Cuthbert Grant, and Andrew Mc- "Dermot, Esquires.

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[5] He was a Chief Factor under the Deed Poll of 1821. See *Introduction*.

[6] He was a Chief Factor under the Deed Poll of 1821. He was long in charge of Fort Vancouver.

[7] He was a Chief Factor under the Deed Poll of 1821.

[8] He was a Chief Factor under the Deed Poll of 1821.

[9] He was a Chief Factor under the Deed Poll of 1821 and twice Governor of Assiniboia. See *Introduction*.

[10] Chief Trader in 1821, he became Chief Factor in 1825. He was long in charge of Fort St. James, New Caledonia. A daughter married Sir James Douglas.

[11] Chief Trader in 1821, he became Chief Factor in 1825. He was long in charge of Fort Edmonton.

[12] Chief Factor under the Deed Poll of 1821, he became Chief Factor in 1828.

[13] Chief Trader in 1821, he became Chief Factor in 1828. He succeeded William Connolly in charge of the Rocky Mountain Post. He was sent with Thomas Simpson to explore the Arctic Coast.

[14] See *Introduction*.

[15] Chief Trader under the Deed Poll of 1821, he became Chief Factor in 1830.

[16] See *Introduction*.

[17] Chief Trader in 1821, he became Chief Factor in 1834. The son of Chief Justice Ogden of Montreal he was himself a barrister of the same place. He served his apprenticeship with the N. W. Co. He was in charge of H. B. Co., brigades through Idaho, Nevada, Utah, California, Arizona. He died in Oregon in 1854.

[18] Chief Trader under the Deed Poll of 1821, he became Chief Factor in 1836.

[19] Chief Trader under the Deed Poll of 1821, he became Chief Factor in 1838.

[20] Chief Trader in 1821, he became Chief Factor in 1838.

"10th. That the District of Assiniboia shall be co-extensive "with such portion of the Territory, granted to the late Thomas "Earl of Selkirk on the 12th day of June, 1811, as is now with- "in the Dominions of Her Britannic Majesty.

"11th. That there shall be appointed a Recorder of "Rupert's Land.

"12th. That Adam Thom, Esquire, Barrister, be Recorder "of Rupert's Land.

"13th. That there shall be appointed four Sheriffs of "Rupert's Land.

"14th. That Robert Miles,[1] Thomas Fraser,[2] Donald "Ross,[3] and John Edward Harriott,[4] Esquires, be Sheriffs "of Rupert's Land.

"15th. That there shall be appointed two Sheriffs of the "District of Assiniboia.

"16th. That Alexander Ross and Cuthbert Grant, Esquires, "be Sheriffs of the District of Assiniboia."

Mr. Thom, in his capacity of Councillor of Assiniboia, took the following oath, repeating the words after the President, and kissing the Holy Bible:

"I hereby swear in the presence of Almighty God, that I "will truly serve our Sovereign Lady, The Queen, or Her Heirs "and Successors, and all, who now do, or hereafter may, law- "fully exercise authority under her or them, and that I will "faithfully discharge all and every the duties of *a member of* "*the Council* of the District of Assiniboia in Rupert's Land."

The President then communicated to the Council a letter from Robert Logan, Esquire, intimating that gentleman's wish to resign the offices of Councillor and Magistrate, on account of infirm health.

The President having, in pursuance of instructions from the Governor and Committee, again referred to the Council the question whether or not a distillery ought to be erected within the district, it was, by a large majority,

Resolved 1st. That the manufacture and sale of native spirits, if placed under such restrictions as have uniformly

[1] *Robert Miles* became a Chief Trader in 1828, and Chief Factor in 1844. His daughtter married Inspecting Chief Factor Robert Hamilton, a member of the North West Council.

[2] *Thomas Fraser* became a Chief Trader in 1835.

[3] *Donald Ross* became a Chief Trader in 1829 and Chief Factor in 1840

[4] *John Edward Harriott.* Chief Factor, later a member of the Coun cil of Assiniboia.

regulated the Honourable Company's importation and sale of foreign spirits,[1] would be at once safe and advantageous.

After some conversation respecting the duties and pay of the Police Corps, it was

Resolved 2nd. That the Police Corps be maintained on its present footing for another year.

Resolved 3rd. That this Council returns its most cordial thanks to Alexander Christie, Esquire, for that happy combination of judgment, energy, and mildness, with which he has uniformly discharged the numerous and arduous duties of Governor of the District of Assiniboia, and that it feels justified in assuring him, on the eve of his departure, that he will carry with him the most affectionate regards of the great mass of the population.

Resolved 4th. That this Council do now adjourn.

FORT GARRY,
13th June, 1839.

GEO. SIMPSON, Govr. in Chief.
DUN. FINLAYSON, Gov. of Assina.
ADAM THOM,
†J. N., Bishop of Juliopolis,
WILLIAM COCKRAN,
JAMES BIRD,
JOHN PRITCHARD,
GEO. M. CARY,
JOHN BUNN,
JOHN MACALLUM,
ALEXR. ROSS,
ALEXR. CHRISTIE,
JOHN ROWAND.

Minutes of a Council held at Fort Garry on requisition of the Governor in Chief of Rupert's Land, on Thursday the 4th day of July, one thousand, eight hundred and thirty-nine, at which were present,

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[1] The 40th and 59th Standing Rules of the Fur Trade established by the Councils of the Northern and Southern Departments of Rupert's Land regulated the sale of spirits. The Company aimed to discourage the use of spirits among the Indians. The Governor of Rupert's Land also entered into an agreement with the Governor of the Russian American colonies to prohibit their use on the N.W. Coast. Later Donald A. Smith forbade the importation of intoxicating liquors into the Company's Territories.

George Simpson, Governor in Chief, President.
Duncan Finlayson, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
The Rt. Revd. Bishop of Juliopolis, Councillor of Assiniboia.

James Bird,	Councillor of	Assiniboia.
John Pritchard,	"	"
George Marcus Cary,	"	"
John Bunn,	"	"
John Macallum,	"	"
Alexr. Ross,	"	"
Revd. Wm. Cockran,	"	"
Cuthbert Grant,	"	"
John Rowand,	Councillor of	Ruperts Land.
Allan McDonell	"	"

Resolved 1st. That in each of the three Sections of the District of Assiniboia, three Magistrates, of whom one at least shall reside within the section and one other at least shall reside without it, shall hold quarterly Courts of Summary Jurisdiction, on three successive Mondays, to be respectively appropriated to the three sections, according to the existing order of precedence, beginning with the third Monday of January, of April, of July and of October.

Resolved 2nd. That the said Courts shall and may pronounce final judgement in all civil cases wheree the debt or damages claimed may not exceed five pounds, and in all trespasses and misdemeanors, which by the Rules and Regulations of the District of Assiniboia, not being repugnant to the law of England, may be punished by a fine not exceeding the aforesaid sum of five pounds.

Resolved 3rd. That the said Courts may refer any case of doubt or difficulty to the supreme tribunal of the Colony, the Court of the Governor and Council of Assiniboia, at its next ensuing quarterly session, by giving a *viva voce* intimation of the reference in open Court, and a written intimation of the same, under the hands of a majority of the three sitting Magistrates, at least one whole week before the commencement of the said quarterly session ,to the clerk of the said supreme tribunal,—without being held to offer any reason or reasons for so doing.

Resolved 4th. That the said Courts shall frame and preserve written records of all their judicial proceedings, in books

to be provided for that purpose, the said books to be deposited with the senior magistrate of each section.

Resolved 5th. That the said books shall be issued by the Clerk of the supreme tribunal aforesaid, the pages being numbered and tested by his initials.

Resolved 6th. That every defendant, in case of non-appearance after having been duly summoned in writing by a sworn Policeman, whose certificate of service on the person or at the domicile of the Defendant shall be sufficient proof of such service, shall have judgement pronounced against him by default, according to the amount of claim established against him by the plaintiff's witness or witnesses,—with discretionary power on the part of the sitting Magistrates to suspend, for a period not exceeding four months, the execution of the said judgement, or on the part of any subsequent Court containing at least two of the said sitting Magistrates to re-open the case on defendant's paying expenses.

Resolved 7th. That any witness who shall not attend any of the said Courts, after having been duly summoned in writing by a sworn Policeman, whose certificate of service on the person or at the domicile of the witness shall be sufficient proof of such service, shall be fined in a sum not less than three shillings or more than twenty.

Resolved 8th. That every witness who shall attend in consequence of being so summoned, shall be remunerated by the party, whose witness he may be, at the rate of two shillings and six-pence for every period of twenty-four hours, which he may require to be absent from home as such witness.

Resolved 9th. That the said Courts shall have a discretionary power to pronounce judgement against the unsuccessful party, whether plaintiff or defendant, for the expenses of the witness or witnesses of his opponent or opponents.

Resolved 10th. That a defendant shall not be bound to appear before any other Court than that of the section in which he may reside, or in which he may have received service of summons, but that,, in every other respect, any and every writ, warrant, or subpœna, shall be valid over the whole District.

Resolved 11th. That warrants of distress or imprisonment shall be issued only on application of the successful party to the Magistrate, who may keep the book of records aforesaid, and on payment of one shilling for every such warrant.

Resolved 12th. That all fines, excepting such portions of them as may go to the informer or informers, and all fees, shall first defray the expenses of stationery, fuel, &c., in each section, and then, if any surplus there be, go to the general fund for maintaining central courts, court-houses, and gaols.

Supreme Court.

Resolved 13th. That the Court of the Governor and Council, in its judicial capacity, sit on the third Thursday of February, of May, of August, and of November, and at such other times as to the Governor in Chief of Ruperts Land, or in his absence, to the Governor of Assiniboia may seem fit.

Resolved 14th. That in all contested civil cases, which may involve claims of more than ten pounds, and in all criminal cases, the verdict of a Jury shall determine the fact or facts in dispute.

Resolved 15th. That every proprietor of land be held qualified and liable to act as a juror, receiving one shilling from the plaintiff in each case when he may actually serve, and paying a fine of not less than five shillings and not more than twenty when he may fail to appear in his turn.

Resolved 16th. That the Sheriffs, at such times and in such manner as may be directed by the Governor in Chief of Ruperts Land, or, in his absence, by the Governor of Assiniboia, shall frame three lists of all the land-holders respectively in the three sections of the Colony, rigidly following the courses of the roads, or, in the absence of roads, of the rivers.

Resolved 17th. That, in civil suits, each of those three lists shall furnish twelve names, beginning with a name to be determined by the first defendant, and so proceeding in perpetual succession till new lists be framed; that, of the thirty-six names thus obtained, each party, or the Clerk of the Court in the event of his absence or refusal, shall strike out nine without assigning any reason or reasons, at least one whole week before the day of trial, and that of the remaining eighteen persons, the first twelve that answer to their names in the hour of cause, shall form the jury.

Resolved 18th. That the two Sheriffs shall, in turn, officiate as chief Officers of the Court; and that, if either of them be absent from his share of duty, the other shall officiate in his stead.

Resolved 19th. That all fines, excepting such portions of them as may go to the informer or informers, and all fees, shall be a general fund for maintaining central courts, court-houses, and gaols.

Prisoners.

Resolved 20th. That all prisoners who may be unable to maintain themselves, shall be maintained out of the said last mentioned fund at the rate of a pound of pemican a day, or of an equivalent in other provisions.

Distillation, &c.

Resolved 21st. That no individual or individuals whatever, other than the authorized Servants of the Honble. Hudson's Bay Company, shall distil or attempt to distil whiskey or any other spirit out of malt or any other substance, whether for his, her, or their use, or for sale, or shall have in his, her, or their possession any instrument, pipe or utensil specially adapted to distillation, or actually employed in it by such individual or individuals, under a penalty of ten pounds for each offence, and the forfeiture of all such whiskey or other Spirit, all such malt and other substance, and of every such instrument, pipe, or utensil,—half of the penalty to go to the informer.

Resolved 22nd. That the Governor and Council shall and may issue licenses for selling or bartering native or other spirits, in quantities less than one Imperial gallon, at two guineas each, for one half year or six calendar months from the date thereof.

Resolved 23rd. That no individual or individuals whatever shall, without such license, sell or barter native or other spirits, in quantities less than one Imperial gallon, under the penalty of five pounds for each offence, half the penalty to go to the informer.

Hay.

Resolved 24th. That the existing regulations with respect to the cutting of hay in the Plains be continued in force for another year.

Resolved 25th. That John Macallum, Esquire, be appointed Coroner of the District of Assiniboia.

Resolved 26th. That a premium of five shillings be paid for the head of every wolf killed within five miles of the banks of Red River Settlement, the head to be delivered to the Chairman of the board of Public Works on receipt of the premium.

Resolved 27th. That strychnine to the amount of five Pounds be imported from England for the destruction of wolves.

Resolved 28th. That Governor Simpson be requested to purchase and forward for the use of the Police Corps, 25 well finished guns, similar to those purchased and forwarded by him last year, and to cost about the same price; and that he be likewise requested to purchase and forward the strychnine to be imported as aforesaid.

In order to afford publicity to all Laws and Regulations that may from time to time be passed by the Governor and Council of Assiniboia,

Resolved 29th. That copies of the minutes of this and all other Councils that may be hereafter held by them be forwarded to the senior Magistrate of each section of the District, in order that they may be made public at their respective quarterly Courts.

Resolved 30th. That this Council do now adjourn.

FORT GARRY,
4th July, 1839.

DUN. FINLAYSON.
ADAM THOM.
†J. N. Ev. de JULIOPOLIS.
WILLIAM COCKRAN.
JAMES ROSS.
JOHN PRITCHARD.
GEO. M. CARY.
JOHN BUNN.
JOHN MACALLUM.
ALEXANDER ROSS.
CUTHBERT GRANT.

Minutes of a Council held at Fort Garry on the eighth day of June, one thousand eight hundred and forty.

PRESENT

Duncan Finlayson, Governor of Assiniboia, President.
Adam Thom, Councillor of Assiniboia.
The Rt. Revd. Bishop of Juliopolis, " "
The Revd. William Cockran, " "
James Bird, " "
John Pritchard, " "
Alexander Ross, " "
Robert Logan, " "
John Bunn, " "
Cuthbert Grant, " "
John Macallum, " "
George M. Cary, " "
Allen McDonell, Chief Factor.

It was unanimously

Resolved 1st. That the police be continued for one year longer.

Resolved 2nd. That the hay regulations be continued for one year longer.

Resolved 3rd. That the reward for killing wolves be distinued during the ensuing year.

Resolved 4th. That Mr. George Taylor be appointed Inspector of Roads and Bridges, subject to the control of the Board of Works, with an annual salary of twelve pounds ten shillings sterling.

Resolved 5th. That the strychnine, which was ordered by a resolution of last year, be distributed, on its receipt, by His Lordship the Bishop of Juliopolis for the middle section of the Settlement, by Dr. Bunn, for the lower, and by Mr. Grant for the upper.

Resolved 6th. That if any bull, ox, or cow, which is known to have previously broken a sufficient fence, be found in an enclosure sufficiently fenced, the owner thereof shall be liable in the amount of damages done; and that the character of the animal, as well as the sufficiency of the fence, shall be established by the testimony of two witnesses, at least, and not otherwise.

Whereas the wholesome and necessary law against selling beer to Indians has been frequently violated or evaded, to the injury of private property, and the danger of public tranquillity, be it

Resolved 7th. That all existing regulations on the subject aforesaid be henceforward repealed.

Resolved 8th. That any person or persons, other than an ordained clergyman, or licensed physician, surgeon, or apothecary, or the representatives of The Honorable the Hudson's Bay Company, who may be directly or indirectly, mediately or immediately, instrumental in giving, selling, lending or bartering beer, or any intoxicating liquor or substance whatever, to any Indian or Indians, or to any individual or individuals, generally recognized as such, or, during the months of June, July, August and September, to any person or persons, who may previously have been convicted of violating or evading this resolution, shall, on conviction before any competent Court, be subject, without appeal or mitigation, to the following penalties, viz:

For the first offence, two pounds sterling, with imprisonment till paid, and disqualification for holding any public office, commission, licence or emolument, during twelve calendar months, to be reckoned from and after the day of conviction:

For the second offence, three pounds sterling, with imprisonment as aforesaid, and disqualification as aforesaid during twenty-four calendar months, to be reckoned as aforesaid:

For the third and every subsequent offence, four pounds sterling, with imprisonment as aforesaid, and disqualification as aforesaid, during thirty-six calendar months, to be reckoned as aforesaid.

Resolved 9th. That the whole of the pecuniary penalty as aforesaid, shall, in each case, be handed over to the informer, after deducting the expenses, if any, of the offender's maintenance in prison; provided, however, that such deduction shall never exceed the one-half of the said pecuniary penalty.

Resolved 10th. That any offender, other than the original and actual giver, seller, lender, or barterer, who may, in a *bona fide* prosecution, become an informer's true witness, shall be exempted from all and every the legal consequences of his or her said offence.

Resolved 11th. That over and above the aforesaid penalties, any and every convicted offender shall pay over to the

Indian or Indians, or other person or persons, as aforesaid, the whole, or, if in goods, the original value of the whole, of what he or she may have received, or undertaken to receive, in payment or pledge for both liquor and vessel, whether as principal or as agent.

Resolved 12th. That if any beer, or other intoxicating liquor or substance come into the hands of any Indian or Indians or any person or persons generally recognized as such, any and every individual, by whom the said beer or other intoxicating liquor or substance, may have been given, sold, lent or bartered, to any one whatever, shall either be liable to the respective penalties of the eighth resolution for the first or any subsequent offence, or shall give evidence tending to convict some other individual or individuals of having been the actual and wilful offender or offenders.

Resolved 13th. That all offences against the foregoing six Resolutions shall be tried by the Court of the Governor and Council and a jury.

Resolved 14th. That this Council do now adjourn.[1]

Minutes of a Council held at Fort Garry on the twenty-fifth day of June, one thousand eight hundred and forty one.

PRESENT

Sir George Simpson, Governor-in-Chief, President.
Duncan Finlayson, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
The Rt. Revd. Bishop of Juliopolis, " "
The Revd. William Cockran " "
James Bird, " "
John Pritchard, " "
Alexander Ross, " "
Robert Logan, " "
James Sutherland, " "
George Marcus Cary, " "
John Macallum, " "
Andrew McDermot, " "
John Rowand, Chief Factor.,
Nicol Finlayson, Chief Trader.

The following rules and regulations were passed unanimously:

[1] Initials subjoined in pencil, names not signed in full.

General Provisions.

1. The following regulations shall apply to the whole of the District of Assiniboia, extending, in all directions, fifty miles from the forks of the Red River and the Assiniboine,[1] provided, however, that the Settlement, where it is expressly mentioned, shall not extend in breadth more than four miles from the nearest part of either river, or in length more than four miles from the highest or the lowest permanent dwelling.

2. Wherever the contrary is not expressed or implied, fines and forfeitures shall be equally divided between the prosecutor and the public fund.

3. In all cases, the prosecutor may be admitted as a witness.

4. Wherever the contrary is not expressed or implied, any injured party shall be entitled to sue in the ordinary way for damages over and above the specified fine.

5. Wherever the contrary is not required by the sense, any gender shall include all genders, and either number shall include both numbers, nor in any respect shall the natural and obvious meaning be set aside either to punish or to screen offenders.

6. Whoever may have assisted, or seconded, or advised, or ordered, or authorized the committing of any offence, shall be held to have committed it himself.

Fires.

7. If any hay-stack, of which every part shall be more than a hundred yards distant from the nearest point of its owner's house or adjacent out-houses, shall be destroyed or damaged by any fire whatever, the said owner shall not recover any compensation for the destruction or the damages, unless his said hay-stack shall have been surrounded at a distance of at least thirty yards by a ploughed belt four yards wide,—provided, however, that the injured Plaintiff shall not pay the costs of suit of a guilty defendant, but may, at the discretion of the competent Court recover his own costs of suit from the same.

8. If, between thirty-first May and first November, any person shall kindle or spread a fire, intended to consume growing or standing fuel of any kind whatever, he shall be fined ten pounds,—provided, however, that, after verdict but before judgement, the president of the Court may remit the whole

[1] This was popularly known as the Municipal District of Assiniboia.

fine, as well the prosecutor's half as the other, merely by certifying in writing, on the back of the Clerk's notes of the evidence, that "The offender is morally guiltless, having committed the offence through a pressing necessity, which had not in the least degree arisen from his own act or neglect, and having done all in his power to prevent the fire from spreading towards the property of others", and provided, also, that the owner of any hay-stack, surrounded according to the preceeding regulation, may burn all within the ploughed belt, that may not exceed one foot in height, subject to the ensuing regulations.

9. If, between thirty first May and first November, any fire in the open air, other than that prohibited in the foregoing regulations, be deserted by all who may have kindled or fed or used the same, or cannot be extinguished by such of them as may not have deserted it, every person, who may have so fed or kindled or used the same, shall be fined from five to fifty shillings.

Pigs.

10. If, between thirty-first March and first November, any pig above five weeks old trespass on enclosed ground, the injured party shall recover from the owner of the pig the actual amount of damages proved, if the animal be both ringed and yoked, with one shilling *extra,* if the animal be yoked but not ringed, or ringed but not yoked, and three shillings *extra,* if the animal be neither yoked or ringed—the pig, if seized in the act of trespass, being detained as a pledge for the payment of the damages and maintenance at three pence a day, and being, if unredeemed at the end of ten days, kept as full satisfaction of all claims,—provided, however, that pigs under five weeks old shall neither be separated from their sow, whether during the said ten days or thereafter, nor forfeited with her, and provided, moreover, that the injured party, if he do seize the pig, shall under the penalty of a total loss, within two days intimate the seizure to one of the nearest constables, and three of the nearest settlers.

Fences.

11. If any cattle trespass on enclosed ground, their owners shall be liable for all damages, each in proportion to the number of his own animals, the cattle, if seized in the act of trespass,

being detained in pledge for the payment of the damages and maintenance at six pence a day,—provided, however, that the owners may discharge themselves and their cattle by proving that any single space of the fencing accessible to such cattle, was insufficient in strength or height or closeness, whether or not such insufficient space admitted the trespassers inasmuch as no man is entitled in such case to public protection, till he has done his utmost to protect himself.

12. If, however, the owners fail in such proof, then the owners of the actual fence-breakers, or, if such fence-breakers be not known, the owners of such of the cattle as may previously have broken any one sufficient space of fencing, shall bear the whole of the loss apportioned equally among the offending animals.

13. If the person, whose fence has been proved to have been insufficient, can trace that insufficiency to the carelessness or the malice of any person whatever, he shall recover from such person the whole amount of his loss, whether occasioned by the cattle themselves, or by his detention of them.

Hay.

14. Any settler's exclusive right of cutting hay within the four-mile line behind his own lots shall be forfeited for the season, as soon as he may begin to cut hay beyond the limits of his own lots and their annexed privileges, provided, however, that it shall in no case be forfeited before twentieth July, but shall in any case be forfeited on twentieth September.

15. If any person trespass on such right, he shall forfeit the proceeds of such trespass in lieu of all damages, provided, however, that the privileged party shall previously swear, before a magistrate, that he warned the trespasser, and applied to such magistrate with the least possible delay, but provided, further that the trespasser may be allowed to bring evidence against such oath.

16. If the trespasser's evidence, so brought, shall appear satisfactory to the magistrate, then the privileged party shall be entitled only to the value of such hay as he can afterwards prove, in the ordinary court, to have been made and cocked before his knowledge of the trespass.

17. If one of two immediate neighbours shall appear to have trespassed against the other in excusable ignorance of the bound-

ary, he shall be entitled to reasonable compensation for his labour before surrendering the fruits of the same.

18. For the purposes of the preceding four regulations any settler's delegated right of cutting hay on a vacant lot and its annexed privilege shall be held precisely as if the vacant lot were his own.

Stallions.

19. If any stallion rising two years old or upwards stray beyond his owner's enclosed ground, such owner shall be fined twenty shillings, such stallion, if seized in the act of straying, being held as a pledge for payment of the fine, and maintenance at sixpence a day.

20. To avert breaches of the peace, and also to prevent the foregoing regulation from being made a pretext for taking horses to ride or drive, every such stallion, when so seized, shall be led to one of the nearest constables, private or serjeant, who shall be bound to receive and keep him for the daily allowance aforesaid, under the penalty of a quarter's pay,—provided, however, that the constable, to whom the stallion may be first delivered, may, with the consent of his Captain, transfer the animal to any other constable willing to take charge of him.

Horse-Taking.

21. If any person take another's horse, to ride or drive, from the open plains, (taking him from enclosed ground, however insufficient may be the fence, being held to be theft,) he shall be fined twenty shillings, and forfeit all such harness and whips and spurs and vehicles as he may have used with the said horse.

22. In suing for damages, the owner of the said horse may, at his option demand compensation proportioned to the time of absence, the loss of service, and the amount of injury, or compel the offender to receive the horse as his own, at his full value when taken.

Maintenance of Prisoners.

23. Every person, imprisoned for committing any offence, or for not paying any specified fine, whether such fine be in place of damages or not, or attendant forfeiture, shall receive

at the public expense one pound of pemican, with water, every morning, and shall not be allowed to supply himself with any other kind of food or with any luxury whatever, unless by order of a medical practitioner, duly qualified.

Intoxicating Indians.

24. No person, other than the acting Governor, or an ordained clergyman, or a medical practitioner, duly qualified, shall convey any intoxicating substance to any Indian, or to any person who may hereafter be convicted of doing so, under the penalty of two pounds, and incapacity for office during one year, for the first offence, of three pounds and incapacity for office during two additional years for the second offence, of four pounds and incapacity for office during three additional years for the third or any subsequent offence,—the whole of the pecuniary penalty to go to the prosecutor.

25. Any offender, who may prosecute to conviction any accomplice, shall, moreover, be himself exempted from such penalties.

26. Over and above the said penalties, any convicted offender shall pay to the Indian, in place of damages, the full original value in money of what he or any accomplice may have received in payment or pledge both for the intoxicating substance and its containing vessel,—provided, however, that such value may be demanded separately in a civil suit.

27. Any person, who may plead that he conveyed the intoxicating substance to any Indian by means of another who kept him in ignorance as to its unlawful destination, shall, nevertheless, either suffer the penalties or prosecute the individual to whom he actually conveyed the same, and every other known agent in the transaction.

Distillation.

28. No person, other than the Honorable The Hudson's Bay Company, shall accomplish or attempt any part of the process of making native spirits, or anything prepared or intended for making the same, under the penalty of paying from two pounds to ten pounds for each conceivably separate offence, and of forfeiting the full property in all and every the things in respect of which the conviction may have taken place,—provided, how-

ever, that this regulation shall not prevent any medical practitioner, duly qualified, from distilling for professional purposes, or from owning or possessing, exclusively for such purposes, any native spirits or any materials or vessels requisite for making the same.

Roads and Bridges.

29. The acting Governor for the time being, and Alexander Ross, John Bunn, Robert Logan and Andrew McDermot, Esquires, shall be a Board of Public Works,—the acting Governor being Chairman, and two being a *quorum.*

30. Mr. George Taylor shall be Surveyor and Superintendent of Works under the directions of the said Board, with an annual salary of twelve pounds ten shillings.

31. The main highway shall be widened to two chains at the public expense, the bush being, if necessary, cut down, and either fence being, if necessary, moved back, and compensation for open ground being given at the current rate, and that for enclosed ground being fixed in each case by the Board of Works, according to the evidence of disinterested neighbours,—provided, however, that compensation of the second description shall be paid or offered in payment before any fence be moved back, and that compensation of the first description shall not be payable till a certain portion of ground on both borders of the proposed highway shall have been actually enclosed on more than half the breadth of the claimant's lot.

32. No person shall leave on the said highway any stones or timber or unyoked vehicle or any other obstruction of the kind, under the penalty of being answerable for all damages that may be estimated in money; and every person may call on one of the nearest constables, serjeant or private, to remove the same to his own premise, and to hold the same in pledge, or, at the end of four weeks, in property, for the expence of such removal, under the penalty of a quarter's pay,—provided, however, that this regulation shall not apply to any vehicle that may have broken down, within twenty-four hours, or to the contents of the same.

33. Whereas any person who commits and persists in committing a public trespass, has no right to public protection against trespass himself, any encroachment on the main highway, whether constant, by means of a fixed fence, or occasional,

by means of a swinging gate, shall if not removed within a week after oral or written notice to the owner or owners by authority of the Board of Works, leave him or them without remedy, during its continuance, against trespassing cattle or pigs, or the owners of the same, or any person whatever on account of any such trespasses, in respect of any lands whatever,—provided, always, that this regulation shall not apply before first May eighteen hundred and forty-two to any fence or gate already existing, and continuing, without repair, to exist till then,—provided, also, that the regulation shall not prevent the Board of Works from removing any such encroachment,—subject, however, to the preceding proviso.

34. Whoever may have made, or used, any hole in the ice of either river or any creek, whether down to the water or not, shall fix and keep fixed a pole of at least six feet above the surface, according to possibility, in the middle or at the edge of the same, under, the penalty of being answerable for all damages that may be estimated in money,—provided, however, that any person who may wantonly remove or throw down or lower the said pole without the consent or knowledge of any one of the persons bound to fix and keep fixed the same, shall, during the first twenty-four hours after his offence, be held alone answerable for all damages, and afterwards, during the whole season, no less liable than one of the original parties, who may have made or used the hole aforesaid.

35. The said Board of Works shall annually submit its accounts to the Governor and Council, at their first meeting after first May.[1]

Custom-Duty.

36. On all imports there shall be levied a custom duty of four *per cent* of the last invoice prices, provided, however, that this regulation shall not apply to the produce of the chace, or to commodities merely passing through the District, or to any thing that both has been used and is to be used by the importer himself, or to anything not naturally or necessarily consumed in the use which any traveller, during the season of his arrival, may import from his own place of starting, by any route, for personal or domestic purposes, or to live stock, or to periodical

[1] Public Works Accounts have been preserved in the Provincial Library of Manitoba.

publications of miscellaneous matter, or to packages employed as such.

37. The want of an invoice, if proved, to the satisfaction of oath of the importer, but, if not so proved, by the estimate of a majority of three disinterested persons as to the cost at the last place of purchase.

38. To guard against delay or default in payment of such duty, the collector may, by writing, forbid any freighter to land imports for any specified individual, whether such individual be the freighter himself or any other person, under the penalty of his paying an additional duty of four *per cent* over and above the ordinary duty to be paid by the importer, as such.

39. James Bird, Esquire, shall be collector of said custom-duty, with a yearly salary of fifteen pounds, and shall annually submit his accounts to the Governor and Council, at their first meeting after first May,—the only vouchers of his expenditure after retaining his own salary, being the orders or the receipts of the acting Governor, or of a quorum of the Board of Works.

Police.

40. The Police shall, during the acting Governor's pleasure, consist of Alexander Ross, Esquire, Captain at twenty pounds a year, a Serjeant-Major at ten pounds, four serjeants at eight pounds, and fifty-four privates at six pounds a year,—the serjeants and privates being further remunerated for pay and rations at the respective rates of four shillings and three shillings a day after the first twenty-eight days of service in each year,—provided, also, that any serjeant or private as often as he is engaged on duty, shall receive six pence a day for rations.

41. In case of intended absence of a month or more from the Settlement, every serjeant or private shall, on such days as his captain may appoint and make known, produce from among those resident within two miles of himself, or, at the captain's discretion in case of necessity, within any greater distance, a substitute to the satisfaction of his captain, under the penalty of forfeiting double pay, during his whole absence, to enable his captain, if necessary, to select a substitute, and of being dismissed in the event of his being absent, without having so found a substitute during three months at a time, or

on two successive occasions of more than a month each,—and shall make up, as far as may be requisite, all such stoppages of pay as his said substitute, whether found by himself or selected by his captain, may incur.

42. Neither principal nor substitute shall receive any pay but from the date of the certificate mentioned in the next ensuing regulation,—a principal producing it once for all, but a substitute on each occasion of service.

43. The said certificate shall be given by a Magistrate to the effect, that the party named therein has taken before him the following oath: "I swear by God as I shall answer to God at the great day of judgment, that I shall, till lawfully discharged from my office of serjeant (or private) of police for the District of Assiniboia, be always ready at all hazards to serve and execute all legal writs, and to maintain the peace and security of the said District against all enemies and disturbers of such peace or such security, and that I shall, to the utmost of my ability, obey all laws and all lawful authorities within and for the said District, and induce all others to obey the same, —and that I shall do my best to become acquainted with the Regulations of the Governor and Council of the said District".

Courts.

44. John Macallum, Esquire, shall be Coroner for the District of Assiniboia.

45. James Bird, George Marcus Cary, John Bunn, Alexander Ross, Cuthbert Grant, and John Macallum, Esquires, shall be Magistrates for the District of Assiniboia.

46. Alexander Ross and Cuthbert Grant, Esquires, shall be Sheriffs for the District of Assiniboia.

47. For certain judicial purposes, the Settlement shall be divided into three sections, as follows: from its northern limit to the northern boundaries of John Sutherland's lot, being No. 197, and Mr. Pritchard's lot, being No. 602; from such boundaries to its southern limit on the Red River and to the eastern boundaries of lots No. 1270 and No. 969, on the Assiniboine; from such boundaries to its western limit.

48. In these three sections respectively shall be held quarterly courts on the third Monday of January, of April, of July and of October, and the following two Mondays, by three

magistrates, one at least resident and one other at least not resident, within the section.

49. Such courts shall hear and determine all civil cases, in which the demand of neither party may exceed five pounds, and all offences against the regulations of the Governor and Council, which cannot involve a fine of more than twenty shillings over and above any attendant forfeiture.

50. But any two of the three magistrates may reserve any case whatever for the Court of Governor and Council.

51. All cases, which cannot be tried by the magistrates, or are reserved by them, shall be heard and determined by the Court of Governor and Council, with the aid of a jury, in courts to be held on the third Thursday of February, of May, of August, and of November, and on any intermediate days, if necessary, to be named by the acting Governor, according to his discretion.

52. But any case, in which a pledge has been seized or is detained for an amount of damages or expenses to be ascertained by evidence, may be decided by any one magistrate, if the claim for whatever is to be ascertained does not exceed twenty shillings and by any two or more magistrates sitting together for that purpose, if the claim, as aforesaid, does exceed twenty shillings, provided, however, that no set-off shall be admitted in favour of the owner of the pledge, against the holder of the same,—but provided, also, that, where no pledge has been seized, set-off may be admitted in the ordinary courts.

53. The original writ against the defendant shall cost two shillings and a *subpoena* or any other writ one shilling,—the original writ, if issued for any inferior court, being limited to its section, but any other writ running through the whole district.

54. The fees for writs shall go the public fund.

55. In civil cases, an adult witness, if regularly summoned, shall receive two shillings and six pence a day, and a juror one shilling a trial.

56. The wilful absence of a regularly summoned witness or juror shall be subject to a penalty of five shillings, over and above the absent witness's liability to pay damages.

Duration and Effect.

57. All these regulations shall have force from eighth August next, till altered or repealed, and from the same day all older regulations shall be of no effect whatever.

Publication.

58. That no person may plead ignorance of these regulations, at least eight copies shall be fixed on pasteboard or wood, and distributed over the Settlement among such of the inhabitants as may be willing to take charge of them for the seasonable inspection of the public.

It was further resolved,

59. That a sum of not less than fifty pounds and not more than one hundred pounds sterling be expended by the Board of Works, during the next ensuing twelve months, on the improvement of the public roads and bridges.

60. That strychnine to the value of twenty pounds sterling be ordered from England for the destruction of wolves, and that, on its receipt, the same be distributed as formerly by His Lordship the Bishop of Juliopolis, Dr. Bunn, and Mr. Grant.

61. That this Council do now adjourn.

GEO. SIMPSON, Govr. in Chief.
DUN. FINLAYSON, Govr. of Assiniboia.
ADAM THOM.
WM. COCKRAN.
JAMES BIRD.
JOHN PRITCHARD.
ALEXANDER ROSS.
JAS. SUTHERLAND.
GEO. M. CARY.
J. MACALLUM..
ANDREW McDERMOT.

Minutes of a Meeting of the Council of Assiniboia, held at Fort Garry on the third day of July, one thousand eight hundred and forty-three.

PRESENT

Sir George Simpson, Governor-in-Chief, President.
Duncan Finlayson, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
Revd. Wm. Cockran " "
James Bird, " "
John Pritchard, " "
Alexander Ross. " "
Robert Logan, " "
James Sutherland, " "
George M. Cary, " "
John Macallum, " "
Andrew McDermot, " "
John Bunn, " "
Cuthbert Grant, " "
John Peter Pruden " "

Mr. Pruden in his capacity of Councillor of Assiniboia, took the usual oath.

The President read the subjoined extracts from a Memorial or Petition addressed to him, as Governor of Rupert's Land, on the 17th ulto. by Michel Genton, dit Dauphiné, Maximilien Genton, dit Dauphiné, and François Bruneau, designing themselves "les Députés au nom de leurs Concitoyens."

"La Compagnie apportant tous les ans des pays etrangers du Rhum qui se vend à un assez haut prix, sans aucun avantage pour les habitans, les Petitionaires demandent que la Compagnie fasse plutôt, dans le lieu qu'elle voudra, distiller du Rhum qui pourra se vendre à plus bas prix cette distillerie, dans leur opinion, leur procurera le moyen de vendre du grain."

"Les Petitionaires desirent que la Police soit reduite à un nombre moins élevé, et dans le cas (que) le conseil ne jugerait pas convenable à la sureté du pays d'en reduire le nombre, ils aimeraient à voir changer, tous les ans, ceux dont la place ne requiert point d'éducation, afin d'éviter les jalousies de ceux qui n'ont point de part à ce petit avantage."

To which extracts the President stated that he had replied as follows:—

"On the subject of a distillery I shall, within ten days or a fortnight, consult the Council of Assinboia, and shall act in the matter according to the opinions of a majority of that body. The Memorialists are aware that there is room for difference of sentiment with respect to the expediency of distillation; but I am happy in assuring them, that the Company has no other wish than that of promoting the public welfare, and that on general grounds it will always rejoice in the extension and improvement of native manufactures."

"I shall submit to the Council of Assiniboia, at its first meeting, the views and wishes of the Memorialists with respect to the Police; but I embrace this opportunity of making it generally known, that the Company contributes a hundred pounds sterling a year to the maintaining of the force in question."

The President having then submitted to the Council the question regarding the erection of a distillery, it was, by a large majority

Resolved 1st. That a distillery for the manufacture of native spirits be erected within the District;

And the President having thereafter intimated that the Hudson's Bay Company would not take the distillery into its own hands, it was further

Resolved 2nd. That, during the next ensuing six weeks, the Governor of Assiniboia do advertise for tenders from such individuals as may be willing to undertake the erection and management of the distillery,—such individuals, in bodies of not less than three, and not greater than six, forming a private partnership.

Resolved 3rd. That, after the expiry of the said period of six weeks, a Committee of Management be appointed by the Governor and Council to draw up such regulations and restrictions as they may consider expedient, for the management of the distillery,—the following being three of the essential conditions to any bargain that may thereafter be concluded:

1st. That the price of native spirits shall not exceed six shillings a gallon, including a duty of one shilling per gallon in aid of the public revenue; and that the price of barley shall be at least two shillings per bushel;

2nd. That all purchases and sales shall be effected in ready money only;

3rd. That all purchases shall be as fairly as possible distributed among such producers as are neither partners nor servants.

Resolved 4th. That after the said tenders shall have been received, and the said regulations and restrictions prepared, the same be submitted by the Committee of Management aforesaid to the Governor and Council, who shall thereafter take all other measures that may be necessary for carrying into effect the object in view.

With respect to the Police it was

Resolved 5th. That the Police Corps (excepting as regards the Serjeant-Major and Serjeants as specified in Resolves 7th and 8th) be continued; but

Resolved 6th. That half the number of Privates of Police be changed every other year, and that a list of those to be removed this season, commencing with 1st October next, be prepared by a Committee consisting of the Governor of Assiniboia, Alexander Ross, James Bird, Robert Logan, and George Marcus Cary, Esquires, and that the vacancies occasioned by such removals be filled up by ballot from each District of the Settlement;—the parties eligible being householders under the age of fifty.

Resolved 7th. That the office of Serjeant-Major be abolished.

Resolved 8th. That the number of Sergeants be reduced to three, and that these three be John Spence, J. P. Bourke, and Louis Battoshe.

Inconvenience having arisen from the present regulations respecting hay, it was

Resolved 9th. That, after this date no settler shall be at liberty to cut hay on the common behind the four-mile line until the twentieth of July, under the penalty of forty shillings, and of forfeiting his exclusive right to the hay within the two-mile line behind his own lot.

Danger being apprehended from an insane Indian, now in the Settlement, it was,

Resolved 10th. That he be sent to his relations in the neighbourhood of Capel,[1] there to be left; and that Andrew Mc-

[1] i.e., at Qu'Appelle.

Dermot, Esquire, be allowed the sum of five pounds for conveying him thither.

It being found exceedingly dangerous and inconvenient to have the public jail within the walls of Fort Garry, it was

Resolved 11th. That the present jail be abandoned, and that a new building, to be erected on some suitable spot by the Hudson's Bay Company, be in future used for that purpose; the Honourable Company assuming possession of the present building, in lieu of that to be erected.

Resolved 12th. That Alexander Ross, Esq., be appointed Governor of the new jail with an annual allowance of one hundred pounds for the management thereof, the said allowance to begin to run immediately after the Governor of the District may put him in charge of the establishment; it being understood that, out of the above sum, Mr. Ross is bound to pay the jailor's salary, and to provide fuel for the jail; provisions to prisoners and the necessary repairs on the building being defrayed out of the public fund.

Resolved 13th. That this Council do now adjourn.

GEO. SIMPSON, Govr.
DUN. FINLAYSON, Govr. of Assiniboia.
ADAM THOM.
WM. COCKRAN.
JAMES BIRD.
JOHN PRITCHARD.
ALEXANDER ROSS.

(1). In pencil added R. LOGAN.

JAS. SUTHERLAND.
GEO M. CARY.
JOHN MACALLUM.
ANDREW McDERMOT.
JOHN BUNN.
CUTHBERT GRANT.
J. P. PRUDEN.

Minutes of a Council held at Fort Garry on Wednesday the ninetteenth day of June, one thousand eight hundred and forty-four.

Present

Sir George Simpson, Governor-in-Chief, President.
Alexander Christie, Governor of Assiniboia.
Duncan Finlayson, Councillor of Rupert's Land.
Adam Thom, Councillor of Assiniboia.
The Rt. Revd. Bishop of Juliopolis, Councillor of Assiniboia.

The Revd. Wm. Cockran,	Councillor of	Assiniboia.
James Bird,	"	"
John Pritchard,	"	"
Alexander Ross,	"	"
Robert Logan,	"	"
James Sutherland,	"	"
George Marcus Cary,	"	"
John Macallum,	"	"
Andrew McDermot,	"	"
John Bunn,	"	"
Cuthbert Grant,	"	"
John Peter Pruden,	"	"

Resolved 1st. That the new goal be erected on some suitable site within reach of the Fort guns.

Resolved 2nd. That Alexander Ross, Esquire, Governor of the said goal, instead of receiving a salary of one hundred pounds, with a liability on his part to pay the goaler, and provide fuel, as per the 12th Res. of Council last year, be allowed a salary of thirty pounds per annum, on the understanding, that all expenses connected with the establishment are to be defrayed out of the public fund; the said sum of thirty pounds being intended as a remuneration for Mr. Ross's own trouble.

Resolved 3rd. That, on first June next, the present police establishment be reduced to fifty men, including officers of all ranks; that a strict examination be made into the character of every individual employed in the capacity of policeman, and that any of them who may be found guilty of a violation carry over whether direct or indirect, of the regulations of the Settlement, be instantly dismissed,—the power of such examination and such dismissal being vested in the magistrates.

Resolved 4th. That the payment of the policemen's salaries be, in future, made through the magistrates; who, however, before paying any policeman his salary, shall require from him a certificate of good conduct, under the hand of his commanding officer.

Resolved 5th. That, on payment of twenty shillings sterling, marriage licences may be issued by the Governor of Assiniboia to any applicant, who may have declared on oath, that neither himself, nor his intended wife, is already living in lawful wedlock; the duty to go to the public fund.

Resolved 6th. That in every case in which a person may have died without a written will, no individual, however nearly related to the deceased, shall intermeddle with any property that may have been left, until he or she has received letters of administration from the Governor of Assiniboia, who is hereby authorised to issue the same on payment of five shillings for the benefit of the public fund.

Resolved 7th. That any attempt, on the part of any importer of goods from the United States, or from any other quarter, to evade the usual custom-duty, or to underrate the original cost of such importations, shall render liable to seizure and confiscation all the goods with respect to which such attempt may have been made.

Resolved 8th. That the sale of malt by settlers to Indians be hereafter prohibited under the same penalties as refer to the sale of beer to Indians.

Resolved 9th. That the Board of Works consist of the following gentlemen, vizt:

Robert Logan, Chairman.

Alex. Ross.	George M. Cary.
John P. Pruden,	John Charles.

Resolved 10th. That the office of Inspector of Roads and Bridges be discontinued; and that in place of such officer, the Board of Works be authorised to employ, on such terms as they may think proper, some steady labourer ,in repairing the roads and bridges.

Resolved 11th. That during the next ensuing six weeks, the Governor of Assiniboia do advertise for tenders from such individuals as may be willing to undertake the erection and management of a distillery for the manufacture of native spirits, such individuals in bodies of not less than three, and not more than six, forming a private partnership.

Resolved 12th. That, after the expiry of the said period of six weeks, a Committee of Management be appointed by the Governor and Council, to draw up such regulations and restrictions as they may consider expedient, for the management of the distillery,—the following being, in the meantime, declared to be three of the essential conditions to any bargain that may hereafter be concluded:

1st. That the price of native spirits shall not exceed six shillings per gallon, including a duty of one shilling per gallon in aid of the public revenue; and that the price of barley shall be shillings per bushel of lbs. weight;

2nd. That all purchases and sales shall be effected in ready money only;

3rd. That all purchases shall be as fairly as possible distributed among such producers as are neither partners nor servants.

Resolved 13th. That, after the tenders shall have been received, and the said regulations prepared, the same be submitted by the Committee of Management aforesaid to the Governor and Council, who will thereafter take all other steps that may be necessary for carrying into effect the object in view.

Resolved 14th. That this Council do now adjourn.

G. Simpson, Governor.
Alex. Christie, Gov. of Assiniboia.
Adam Thom.
†J. N. Bishop of Juliopolis.
Wm. Cockran.
John Macallum.
James Bird.
John Pritchard.
Alexander Ross.
Geo. M. Cary.
John Bunn.
Andrew McDermot.
Cuthbert Grant.
J. P. Pruden.

Minutes of a Council held at Fort Garry on Thursday the third day of April, one thousand eight hundred and forty-five.

Present.

Alexander Christie, Gov. of Assiniboia, President.
Adam Thom, Councillor of Assiniboia.
Rt. Rev. the Bishop of Juliopolis Councillor of Assiniboia
The Rev. Wm. Cockran, " "
James Bird, " "
John Pritchard, " "
Alexander Ross, " "
Robert Logan, " "
George M. Cary, " "
The Rev. John Macallum, " "
Andrew McDermot, " "
John Bunn, " "
Cuthbert Grant , " "
John Peter Pruden, " "

The President having stated that he had called the present meeting in consequence of Mr. Bird, the Collector, having on Monday last informed him that certain importers of American goods had refused to pay the duty on their imports,—requesting, at the same time, the President's instructions as to the steps that should be taken for enforcing payment of the same.

The Council declined sharing with the Collector any part of the responsibility.

The following resolutions which were proposed by Mr. Thom, and seconded by Dr. Bunn, were then unanimously passed, viz:

Whereas all matters of general interest ought to be tried and adjudged before the general Court, it is

Resolved 1st. That all questions of revenue or prohibition or licence, however inconsiderable may be the amount of the claim, shall be determined by the Governor and Council and a Jury:

Whereas, in the absence of written agreements, the best evidence is commonly to be found in the breasts of the parties themselves, It is

Resolved 2nd. That, in all cases coming before the General Court, the plaintiff may summon the defendant, or the defendant may summon the plaintiff as a witness; and it is

Resolved 3rd. That Adam Thom, John Bunn, and Alexander Ross, Esquires, shall be a commission for examining such parties according to the English principles of equity; and it is

Resolved 4th. That the results of such examinations shall go as evidence to the Jury, either with or without any other evidence. It was

Resolved 5th. That this Council do now adjourn.

Alex. Christie, Governor of Assiniboia.
Adam Thom.
†J. N. B. of Julipolis.
James Bird.
John PrPitchard.
J. P. Pruden.
Wm. Cockran.
J. Macallum.
Cuthbert Grant.
John Bunn.

Minutes of a Council of the Governor and Council of Assiniboia, held at Fort Garry on the sixteenth day of June, one thousand eight hundred and forty-five.

Present.

Sir George Simpson, President.
Alexander Christie, Governor of Assiniboia.
The Rt. Rev. Bishop of Juliopolis, Councillor of Assiniboia
Adam Thom, " "
The Rev. Wm. Cockran, " "
The Rev. John Macallum, " "
James Bird, " "
Alexander Ross, " "
John Pritchard, " "
Robert Logan, " "
John Bunn, " "
George M. Cary, " "
Andrew McDermot, " "
John Peter Pruden, " "

At the President's request, there was read a petition from Charles Laurance, Dominique Ducharme, Peter Garriock, Henry Cook, Peter Hayden and Alexis Goulait, to the Governor and Council, praying for relief from the payment of the usual duty on their imports from the United States, the consideration of which Petition, it was agreed, should be referred to the meeting of Council to be held on Thursday next, the nineteenth instant.

The President then stated, that, considering the extent to which the illicit manufacture of spirits was understood to prevail in the Settlement, the expediency of erecting a public distillery appeared to be a question that ought now to be taken up, and suggested that in the event of the Council being of opinion that such an establishment would lead to the suppression of illicit distillation, the Governor and Council of Assiniboia, on behalf of the Settlement, should proceed with the undertaking in question.

The Council, deeming it highly probable that the establishment of a public distillery would greatly discourage, and ultimately put down, private distillation, expressed an unanimous opinion in favor of the measure; but being, at the same time, satisfied that, unless the distillery be placed in the hands of the Company, it will not be productive of that desirable end, the Council strongly recommended the Company to assume its direction and management.

The reduction of the police corps being deemed advisable, it was

Resolved 1st. That all existing rules and regulations regarding the police, excepting as regards the oath, be rescinded; and it was

Resolved 2nd. That, on first July next, the present corps be discharged.

Resolved 3rd. That, immediately thereafter, the Court of Governor and Council shall select and appoint fifteen efficient men as constables, for the execution of writs, and generally, for the discharge of all those duties which have hitherto devolved upon the officers of police, these duties being specified in the foresaid oath:

Resolved 4th. That the amount of salary and the mode of paying the same be as follows: For each day's actual service on public duty, the constable shall, in the first instance, receive three shillings and six pence, and that, over and above these daily payments, he shall, at the end of every year, be paid such a sum as, with the said payments, shall amount to twelve pounds;

Resolved 5th. That it shall be in the power of any Magistrate temporarily to suspend, and of the Court finally to dismiss, any or all of the said constables for dereliction of duty, —it being understood that, in the event of dismissal, a constable shall not be entitled to payment of more than the amount

of the value of his actual services, at the said rate of three shillings and sixpence a day.

The Council, considering the efficiency with which Mr. Ross has discharged the duties of his office of Commander of Police, unanimously.

Resolved 6th. That the Council tender Mr. Ross an expression of the sense they entertain of the value of his public services.

Much injury to the flocks of the Settlement arising from rams being permitted to roam the plains from the first of July to the first of November, it was

Resolved 7th. That any person finding a ram straying during the said period shall be entitled to seize and detain the animal until the owner thereof pay him the sum of ten shillings.

Certain resolutions having been read to the Council by Councillor Thom, it was

Resolved 8th. That the consideration of the same be referred to the meeting to be held on the nineteenth instant.

Resolved 9th. That this Council do now adjourn.

Alex. Christie, Governor of Assiniboia.
Adam Thom.
J. N., B. of Juliopolis.
Wm. Cockran.
J. Macallum.
James Bird.
Alexander Ross.
John Pritchard.
Andrew McDermot.
John Bunn.
J. P. Pruden.
Cuthbert Grant.

Minutes of meeting of the Governor and Council of Assiniboia, held at Fort Garry, Red River Settlement, on Thursday the nineteenth day of June, one thousand eight hundred and forty-five,[1] at which were present

Sir George Simpson, President.
Alexander Christie, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.

[1] In his *History of the North West* (i. 259) Begg states that on June 10, 1845, Minutes of Council differing somewhat from these of June 19, 1845 were passed. The Minutes to which Begg refers were of a meeting of the Governor and Council of Rupert's Land, held at the Red River Settlement, June 10, 1845. They are to be found in the Appendix.

The Rt. Rev. The Bishop of Juliopolis	Councillor of Assi-	[niboia.]
The Rev. Wm. Cockran,	"	"
The Rev. John Macallum,	"	"
James Bird,	"	"
Alexander Ross,	"	"
John Pritchard,	"	"
John Bunn,	"	"
George M. Cary,	"	"
Andrew McDermot,	"	"
John Peter Pruden,	"	"
Cuthbert Grant,	"	"

The minutes of the preceding meeting having been confirmed the resolutions which were then proposed by Mr. Thom, were carried unanimously; the tenor thereof being as follows:—

Import Duties.

Whereas the economy of fuel and the comfort of the people are objects of great and growing importance, It is

Resolved 1st. That, once in every year, any British subject if an actual settler, and not a public defaulter, may import, whether from Great Britain or from St. Peter's, stoves free of duty, whether already imposed, or now about to be imposed, on declaring truly that they have been imported on his own account, and at his own risk.

Whereas the exportation of the productions and manufactures of the Settlement cannot fail to be generally beneficial to the community at large, it is

Resolved 2nd. That, once in every year, any British subject, if an actual settler, and not a public defaulter, may exempt from duty, as before, imports of the local value of Ten Pounds, on declaring truly that they are intended exclusively to be used by himself within the Settlement, and have been purchased with certain specified productions or manufactures of the Settlement, exported, in the same season, or by the latest vessel, on his own account, and at his own risk;

And whereas those who hazard their lives for the general convenience are peculiarly entitled to indulgence, it is

Resolved 3rd. That, if any British subject, being an actual settler, and not being a public defaulter, may have personally accompanied both his exports and imports, as defined in the second resolution, he may, once in every year, exempt from duty, as before, imports of the local value of Fifty Pounds, on declaring truly that they are either to be consumed by himself, or to be sold by himself alone to actual consumers, within the Settlement, and have been purchased with certain specified productions or manufactures of the Settlement, carried away by himself in the same season, or by the latest vessel, on his own account and at his own risk.

Whereas this country is morally bound, unless in very special cases, to adopt and enforce the national laws for regulating the foreign trade of the colonies, it is

Resolved 4th. That all articles imported into the judicial district, whether mediately or immediately, from the United States, excepting as hereinbefore excepted, and excepting also the produce of the chace, shall be subjected to 5 & 6 Victoria, ch: 49, the statute which regulates the foreign trade of the British Possessions in America,[1]—Provided, however, that all extraneous commodities shall be presumed to have been imported from the United States by and for all their successive possessors jointly and severally, unless proved on their behalf to have been imported from the United Kingdom;

Whereas certain alternative rules for the ascertaining of the true value of imported goods are embodied in the imperial act aforesaid, it is

Resolved 5th. That, in order to prevent uncertainty and deception, the rule for determining the actual local value shall alone be retained.

And whereas the imperial act aforesaid is enforced by such means and applied to such purposes, as are neither attainable nor expedient in this country, it is resolved

6th. That all its seizures shall be effected by the constables, or in the absence of a sufficient number of the same, by any person or persons whatever, and shall be equally divided between the public fund and the seizing party; and that all its general forfeitures, which may accrue through any con-

[1] An Act to amend the Laws for the Regulation of the Trade of the British Possessions abroad, July 16, 1842. This Act repealed Duties under 4 Geo. III, c. 15; 6 Geo. III, c. 52; 14 Geo. III, c. 88; repealed Prohibitions established by Possessions Act. It established a Table of Prohibitions and Restrictions including Gunpowder, Ammunitions, Coffee, Sugar, Molasses, Rum, Counterfeit Coin and Prohibited Books. It established a Table of Duties and a Table of Exemptions.

viction of felony or any outlawry, and also all its specific penalties and discretionary fines, shall go to the public fund alone;

Whereas a multiplicity of jurisdictions ought, if possible, to be avoided, it is resolved

7th. That these six resolutions shall not be in force till they are acknowledged by the Governor-in-Chief, to operate thenceforward in favour of British subjects, being actual settlers, and not being public defaulters, as a licence for the importing and selling of American goods, similar, in its limitations and conditions, to the licence already issued for the importing and selling of English goods, but shall be in force, thereafter, so long as they may continue to be so acknowledged.

Improvement of Agriculture and Manufactures.

Whereas this secluded Settlement must, in a great measure, rely on its own internal resources, as distinguished from foreign trade, it is

Resolved 8th. That the Bishop of Juliopolis, the Rev. John Macallum, Captain Cary, Dr. Bunn, and Mr. Pritchard, be a Committee of Economy, with power to encourage by premiums or otherwise the improvement of manufactures and such branches of agriculture as may bear on such improvement, either by producing materials or by saving time and it is

Resolved 9th. That the said Committee may import, duty free, such seeds and drugs and implements and other things as may appear likely to be beneficial, and shall sell the same at cost and charges, under proper guarantees against their being resold; and it is

Resolved 10th. That the said Committee shall endeavour, within the next ensuing year, to estimate the expense and the returns of such machinery and artizans as may enable the native woollens and linens to come into competition with imported manufactures.

And whereas the Hudson's Bay Company has offered to equal any municipal grants, that may be paid out of each year's actual revenue for carrying these three resolutions into effect, to the amount of one hundred pounds a year, on the single condition that all claims of the public fund for duties, penalties, and the like, shall previously have been either paid in fact or satisfied in law, it is

Resolved 11th. That the said Committee be empowered to draw from the actual revenue of the current year a sum not exceeding one hundred pounds, so as to command resources not exceeding two hundred pounds in all, the whole to be accounted for in detail at the first meeting of Council after the close of May next.

The Intoxicating of Indians.

Whereas by reason of the interested reluctance of the Indians, and of the mistaken delicacy of the settlers, the law is found to be, in a great measure, inoperative for want of evidence, it is

Resolved 12th. That all existing regulations on the subject shall be henceforward repealed, excepting as to the restitution of the price,—provided, however, that though malt or beer or spirits, or any other means of intoxication, may have formed only part of the equivalent, or may have been ostensibly added, as a gift, to a full equivalent, yet restitution shall be made of the whole price, either in its identical ingredients or in their highest pecuniary values, at the Indian's option,—the whole equivalent being, for this and every other purpose, absolutely illegal.

Whereas the Indians, though less guilty than their seducers, are yet not wholly innocent, it is

Resolved 13th. That, if any Indian be inebriated, or commit, or threaten to commit, any unprovoked violence, he shall, either then or afterwards, be bound with two sureties to his good behaviour by any one magistrate; and that, in default of such security, he shall be kept in gaol, if he was not in liquor, for one calendar month, or, if he was in liquor, till he prosecute the party guilty of furnishing the means of intoxication, —Provided, however, that his unsupported testimony shall not be conclusive against any but convicted or reputed offenders.

Whereas the varieties of the offence ought to be punished in proportion to their respective degrees of criminality, it is

Resolved 14th. That the furnishing of any vessel for the purpose of brewing or of preparing to brew shall incur a penalty of two pounds, the furnishing of malt a penalty of three pounds, the furnishing of fermented drinks, a penalty of five pounds, and the furnishing of distilled liquors, or of any other means of intoxication, a penalty of ten pounds, each

variety being a separate offence, even if accompanied by any other variety or varieties,—provided, however, that, in default of express evidence to the contrary, any charge, when once established in any other way than by actual confession in open Court, shall be presumed to have been established in the highest degree or degrees.

Whereas respectable individuals will be more ready to interpose for the vindicating of the law, if they are cleared from the suspicion of interested motives, it is

Resolved 15th. That all the penalties of the immediately preceding resolution, and all the penalties and fines and seizures and forfeitures generally of the resolutions of this date, shall be enforced and appropriated and divided according to the tenor of the sixth of these resolutions, in the same way as if arising under the imperial act aforesaid.

Whereas it may be desirable still further to provide against the difficulties of obtaining evidence, it is

Resolved 16th. That, without establishing any individual offence in a circumstantial way, the general habit of violating the law may be criminally indicted as a common nuisance, and shall be punished, on conviction, by discretionary fine and discretionary imprisonment, and, further, by the exacting of security, before liberation, for one whole year's good behaviour; and it is

Resolved 17th. That, if the offender, whether prosecuted for an individual offence or for the general habit, influences, or attempts to influence, the testimony of such members of his family as a painful necessity may compel the law to call as witnesses, against him, or the testimony of any other person, whatever, he shall be held guilty, as on his own implied confession,—provided, however, that he shall still be liable to all the pains and penalties of the grave misdemeanour of tampering with the course of Justice.

Whereas in order to prevent evasion, it is necessary to define the offenders, and also still further to define the offence, it is

Resolved 18th. That any Indian, who may furnish any prohibited vessel or substance, or may be instrumental in doing so, shall be held to be as guilty as any other person, who may furnish the same,—provided, however, that in his case, the competent court, if it see fit, may substitute discretionary imprisonment for pecuniary penalties or fines; and it is

Resolved 19th. That any reputed Indian, or any member of an Indian nation, shall be held to be a real Indian to the utter exclusion of any evidence of parentage or descent, whether he has offended by furnishing the means of intoxication, or by using the same or in any other way whatever, specified or to be specified; and it is

Resolved 20th. That, if any person possess, or have possessed, malt or beer or spirits, or any other means whatever of intoxication, in the society or tent or camp of any Indian within the limits of the Settlement, he shall be held guilty of furnishing such means of intoxication to Indians, and shall forfeit the same over and above any other punishment or punishments,—provided, however, that this resolution shall not affect any householder for possessing, as before, in the society of the Indian members of his own family; and it is

Resolved 21st. That, if any person possess, or have possessed, malt or beer or spirits, or any other means whatever of intoxication, beyond the limits of the Settlement, he shall be liable as in the last preceding resolution, unless he make oath, or at the option of the competent tribunal, give other satisfactory proof, that he intends to use, or has used, such means of intoxication merely for his own consumption and for gratuitious distribution among such of his own original and permanent attendants as may not be Indians, or shall produce lawful authority for his possessing or having possessed as aforesaid.

Distillation.

Whereas the Hudson's Bay Company has intimated its intention of immediately establishing a distillery in compliance with the often repeated solicitations of the settlers, it is

Resolved 22nd. That the Settlement is morally and equitably bound, as far as possible, both to protect the Honourable Company against illicit competition, and to shield the public from the probable abuse of a larger supply of ardent spirits;

And whereas the offence of unauthorized distillation shall become more criminal when it shall be rendered less excusable, it is

Resolved 23rd. That the penalties, instead of ranging from two pounds to ten, shall be ten pounds for each and every instance of accomplishing, or of attempting, the manufacture of illicit spirits, or of owning, or of possessing, such spirits,

or anything prepared or intended for the manufacture of the same, reserving, of course, the Honourable Company's right of action, in all such cases, for civil damages;

And whereas, with immediate reference to the close of the last preceding resolution, the Governor and Council of Rupert's Land, in order to qualify the existing president of the Court for sitting on causes in which the Honourable Company's mercantile interests may be involved, have enacted that, during pleasure, all beneficial judgements, in such causes, shall, *ipso facto,* be vested in the Committee of Economy, for public purposes, to be specified in each case at the instant, it is

Resolved 24th. That such judgements shall be at once entered in favour of the collector acting on behalf of the Committee of Economy.

Whereas the Honourable Company has further undertaken to reduce its native spirits to proof strength, and to tinge them, if possible, with a peculiar hue not easily imitated, it is

Resolved 25th. That if any person possess, or have possessed, any spirits of a different strength or hue, he shall be held to be guilty under the last resolution but one, and shall incur the penalties and liabilities thereof, unless he can satisfactorily account for such difference of hue or of strength, or may prosecute to conviction some person more guilty in the matter than himself;

And whereas the Honourable Company has further intimated its intention of selling its native spirits at six shillings a gallon, in quantities not less than half a gallon, it is

Resolved 26th. That suitable applicants may receive from the acting governor gratuitous licences permitting and obliging them, during all lawful days, and at all reasonable hours, to retail, on their respective premises, the Honourable Company's native spirits in duly measured quantities less than half a gallon for ready money only, on becoming bound, jointly and severally with two sureties each, in the sum of ten pounds, not to act against or beyond the authority of their respective licences, or to allow their respective premises to become common nuisances in the way of tippling, over and above their general liability to punishment and restitution in the event of furnishing spirits to Indians; and it is

Resolved 27th. That, if any unlicensed person retail or sell or barter or lend, or collusively present spirits of any description in any quantity, or on any terms, he shall incur, in each

and every case, a penalty of ten pounds, over and above his general liability to punishment and restitution in the event of furnishing spirits to Indians.

Whereas the Hudson's Bay Company has undertaken to pay, for the benefit of the Settlement, a duty of a shilling a gallon on all the native spirits which it may manufacture, it is

Resolved 28th. That the same shall go to the general fund, if all other claims of the Settlement for duties, penalties and the like, have previously been either paid in fact or satisfied in law; but that otherwise it shall be vested in the Committee of Economy.

Collection of Revenue, etc.

Whereas the enforcing of the pecuniary claims of the community will, henceforward, be a matter of more than usual importance, it is

Resolved 29th. That, instead of receiving a fixed salary, the Collector shall be remunerated by the following rates *per cent:*

On Duties. . . . . 4 *per cent.*
On Penalties, fines, etc. . . . . 12 "

Provided, however, that, in respect of all duties remitted under the first three of these resolutions, the collector shall still receive half of the aforesaid rate of 4 per cent.

Miscellaneous.

Whereas any declaration, which is invested with the force of an oath for any purpose, ought also to be invested, in a corresponding degree, with the sanctions of the same, it is

Resolved 30th. That any wilfully false declaration which may be made under any of the foregoing resolutions, shall be so far deemed perjury as to disqualify the guilty party for being ever afterwards admitted to make any of the foregoing declarations.

Whereas inconvenience has often arisen from the incompetency of the courts to regulate the cost of summonses, and the fees for serving the same, it is

Resolved 31st. That each court shall, henceforward, be competent to make regulations in the premises,—provided, however, that the regulations of the inferior courts shall not be in force

till sanctioned and signed by the acting Governor of the district.

Whereas uniformity of interpretation and brevity of expression are objects of great importance, it is

Resolved 32nd. That the resolutions of this date, or of any subsequent date, and all laws to which they refer, shall be explained and enforced according to the preliminary regulations of 1841, excepting when such laws and resolutions may themselves have provided to the contrary.

Whereas the publication and explanation of these resolutions are highly expedient, it is

Resolved 33rd. That one placarded copy be suspended in the Court-house, and another in the office of Upper Fort Garry, that folded copies be deposited, not as private property, but as a public trust, with the Governor, the recorder, the magistrates, the officers of police, and the clerk of the Court, and also be respectfully presented, under the same restriction, to the clergy of both denominations; and, lastly, that copies, in both languages, be read aloud and explained at the meetings of the General Court in November and February of each year, and at such other meetings of the same as the Governor may select for that purpose; the constables being always, specially bound to attend, and receiving a day's pay on each occasion.

Resolved 34th. That the Board of Works be instructed to establish a public ferry between Captain Cary's and the opposite sides of the Assiniboine and Red Rivers, at an expense not exceeding ten pounds for the ensuing year.

Resolved 35th. That next Sunday the resolutions passed at last meeting regarding the police, and the straying of rams, be published on the church doors.

A Petition having been presented by Mr. Ross from Angus Matheson and others, deprecating the prevalence of illicit distillation, and praying the Governor and Council to establish a distillery, as being in the opinion of the petitioners, the best means of checking that growing evil, the petition was cordially received and fully considered, and it was

Resolved 36th. That the petitioners be referred, for an answer, to the resolutions of this date, from the 12th to the 28th inclusive.

With reference to the petition of Charles Larance and others, which was read at the preceding meeting, and again fully considered, it was

Resolved 37th. That the petitioners be referred, for an answer to the first three resolutions of this date; and it was further

Resolved 38th. That the said petition abounds in imputations and opinions which are equally irrelevant and erroneous.

Mr. Bird having tendered his resignation as collector, it was

Resolved 39th. That the offices of Governor of the gaol and Collector of the public revenue be combined; and it was

Resolved 40th. That, in addition to the governorship of the gaol, the office of collector be vested in Mr. Ross.[1]

Dr. Bunn having called on Mr. Bird for account of the public revenue and expenditure for the last five years, Mr. Bird produced a statement thereof; and it was

Resolved 41st. That Captain Cary, Mr. Ross, and Dr. Bunn be appointed as a Committee to examine the said accounts, and to report thereon to the Council.

Resolved 42nd. That this Council do now adjourn.

ALEX. CHRISTIE,
Governor of Assiniboia.
ADAM THOM,
J. BISHOP of JULIOPOLIS,
ALEXANDER ROSS,
GEORGE M. CARY,
JOHN PRITCHARD,
ANDREW McDERMOT,
JOHN BUNN,
J. MACALLUM,
J. P. PRUDEN,
CUTHBERT GRANT.

Minutes of a Council held at Fort Garry on the fifteenth day of January, one thousand eight hundred and forty seven.

PRESENT

Alex. Christie, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
Major J. Crofton, Councillor of Assiniboia.
The Rt. Rev. Bishop of Juliopolis, Councillor of Assiniboia

[1] A number of documents in the collection found in the Manitoba Provincial Library dates from the period when Mr. Ross was collector.

The Rev. J. Macallum,	Councillor of	Assiniboia.
John Pritchard,	"	"
Alex. Ross,	"	"
Geo. Marcus Carey,	"	"
John Bunn,	"	"
Andrew McDermot,	"	"
J. P. Pruden,	"	"
Cuthbert Grant,	"	"

Whereas the inhabitants of this District are strongly bound, as well by a feeling of gratitude, as by a sense of interest, to assist in promoting the efficiency of Her Majesty's Forces, stationed among them, it is unanimously resolved:

First. That, if any person shall do anything to occasion, or to suggest or to facilitate or to encourage in any soldier the military offence of being absent from barracks without a pass, or contrary to the tenor of his pass, he shall incur a penalty of five pounds, together with five shillings, both for each hour and for each mile involved, or intended to be involved, in the whole of such military offence, from beginning to end; Provided, however, that, if his liabilities, with respect to one and the same soldier, shall exceed twenty pounds, he shall, in place of paying such excess, give security to thrice the amount of the same not exceeding in all fifteen pounds, not to leave the Settlement for six months, to be reckoned from the day of paying such twenty pounds.

Secondly. That, if any person (other than the Hudson's Bay Company), till a system of issuing licences shall have been actually introduced, shall sell or barter or lend or collusively present spirits of any description to any soldier, he shall incur a penalty of five pounds for every separate offence.

Thirdly. That, if any person after having been convicted under any one of the two preceding resolutions shall be again convicted under either of them the second resolution shall with regard to him be thereafter extended to wine, beer, etc., malt as well as to spirits. Provided, however, that if such person's liabilities under either conviction shall exceed twenty pounds the resolution in question shall, with regard to him be further extended to all extraneous articles as such, whether imported by himself or by others. Provided, moreover, that separate penalties, under the first resolution, with respect to the simultaneous breach of duty of more than one soldier, shall not, for this purpose, be held to imply separate convictions.

Fourthly. That, these penalties and their incidental additions shall not be understood to be substituted for any other punishment under any other Law.

Fifthly. That in every instance, the offender shall be detained in custody, until he shall have discharged his liabilities,—Provided, however, that the detention of his person shall not exempt his property from being seized and sold to discharge the same.

Sixthly. That, the whole of these penalties and their incidental additions shall go to the public good, but meanwhile shall form a separate fund for future appropriation.

Seventhly. That, as the exportation of the productions and manufactures of the Settlement is, at present, in consequence of the numerous wants of Her Majesty's Forces and other circumstances, not so desirable as to justify public encouragement, all the resolutions which exempt imports from duty in consideration of such exportation, shall be suspended for three years with respect to the returns of exported cattle, and for one year with respect to the returns of all other exported articles.

Eighthly. That, as the evil which the first resolution proposes to remedy may extend beyond the limits of our direct and positive jurisdiction, it ought, if possible, to be further remedied; that, therefore, the duty on stoves shall not be remitted unless under a declaration, which, if false, shall be deemed perjury, to the effect that the importer has neither within Her Majesty's Dominions, nor without, done anything to counteract the object of such first resolution, and that if the Hudson's Bay Company, as it is hereby respectfully requested, refuse to issue any licence of trading unless under a similar restriction, any declaration, in that case, if false, shall also be deemed perjury.

Ninthly. That these resolutions shall be in force from and after the 22nd instant.

Tenthly. That, from and after the first of March next, no person shall be allowed to sell or barter beer to be drunk on his premises without a licence—such licence to be subject to such restrictions as may be enacted by this Council on or before the twenty-second of February next.

At the commencement of the proceedings Major Crofton having submitted to the Council his appointment as a Councillor of Assiniboia by the Governor and Committee of the

Hudson's Bay Company, the usual oath being administered, Major Crofton took his seat accordingly.

Andrew McDermot also took the usual oath as a Councillor of Assiniboia. It was resolved

Eleventhly. That, this Council do now adjourn.

ALEX. CHRISTIE,
Gov. of Assiniboia.
ADAM THOM,
J. CROFTON,
†J.N.B. of Juliopolis,
J. MACALLUM,
JOHN PRITCHARD,
ALEXANDER ROSS,
ANDREW McDERMOT,
JOHN BUNN,
J. P. PRUDEN,
CUTHBERT GRANT,

Minutes of a Council held at Fort Garry on the nineteenth day of February, one thousand eight hundred and forty seven.

PRESENT

Alexander Christie, Gov. of Assiniboia.
Adam Thom, Councillor of Assiniboia.
Major J. Crofton, Councillor of Assiniboia.
The Rt. Rev. Bishop of Juliopolis, Councillor of Assiniboia.
The Rev. J. Macallum, Councillor of Assiniboia.
John Pritchard, " "
Alex. Ross, " "
Geo. Marcus Carey, " "
John Bunn, " "
Andrew McDermot, " "
J. P. Pruden, " "
Cuthbert Grant, " "

Whereas the contemplated restrictions on the sale of beer ought, in reason and justice, to be adapted to the advanced state of the season, and to the scarcity of malt ,it is resolved:

First. That licences shall be issued, without any charge, to suitable applicants, for selling beer, in their respective

houses, and for permitting such beer either to be drunk on their respective premises or to be carried away from the same, between the beginning of March and the end of November next,—Provided that such licences shall not extend, for any purpose whatever, to the hours between nine in the evening and seven in the morning, or to Sunday before the hour of four in the afternoon;

Secondly. That, if any privileged party go beyond his licence, or pervert the same to the disturbing of his neighbours or to the infringing of any existing law, any magistrate, on the oath of any individual, shall, or, of his own personal knowledge, may, indefinitely suspend such licence;

Thirdly. That, the party whose licence may have been thus suspended, may appeal to the General Court,—Provided, however, that, if he be convicted by the jury, he may be adjudged by the bench, over and above the forfeiture of his licence, to be incapable, for not more than three years, of holding any public office, or of enjoying any public privilege;

Fourthly. That, so long as any person may possess a licence for selling beer, he shall be subjected to all the foregoing restrictions with respect also to wine or spirits;

Fifthly. That, during the nine months aforesaid, whether there be any licensed person or not, if any unlicensed person, other than the Hudson's Bay Company, or if any person whose licence may be suspended, sell or barter or deliver beer in any smaller quantity than the full contents of a keg reputed to contain eight gallons, or between nine in the evening and seven in the morning, or on Sunday at all, or allow beer, wherever procured, to be drunk, at any time or to any extent, on his premises, or with the help of his vessels, unless at his own exclusive expence, he shall pay one pound, in each separate case, over and above the penalty, if incurred, of furnishing liquor to Indians.

Sixthly. That, the aforesaid licences shall be distributed, on Friday, the 26th February current, by the magistrates sitting in the open court house, with the constables in attendance, due regard being had to the qualifications of each applicant, and to the position of his place of abode.

Whereas the state of the revenue is an object of the highest importance not only in its direct tendencies, but also in its incidental bearings, it is unanimously resolved:

Seventhly. That, a committee of finance be appointed, with unlimited powers of enquiring and recommending, and that

such committee do consist of Mr. Thom, Captain Carey, Dr. Bunn, Mr. Pritchard and Mr. Ross.

Eighthly. That this Council do now adjourn.

ALEX. CHRISTIE, Gov. of Assiniboia.
ADAM THOM,
J. CROFTON,
†J. N. B. of JULIOPOLIS,
J. MACALLUM,
JOHN PRITCHARD,
ALEXANDER ROSS,
ANDREW McDERMOT,
JOHN BUNN,
J. P. PRUDEN,
CUTHBERT GRANT.

Minutes of a Council held at Fort Garry on the 20th day of May, one thousand eight hundred and forty-seven.

PRESENT

Alexander Christie, Governor of Assiniboia.	
Adam Thom,	Councillor of Assiniboia.
Major J. Crofton,	" "
The Rt. Rev. Bishop of Juliopolis,	" "
The Rev. J. Macallum,	" "
John Pritchard,	" "
Alex. Ross,	" "
Geo. Marcus Carey,	" "
John Bunn,	" "
Andrew McDermot,	" "
J. P. Pruden,	" "
Cuthbert Grant,	" "

Also present by invitation, John Edward Harriott, C.F.

The President having stated that he had assembled the Council for the purpose of considering a recommendation from the Finance Committee, as to allowing spirits to be imported into the Settlement from the United States, on such conditions as the Council might think proper to impose, the Council unanimously passed the following resolutions, viz:

First. That, spirits of proof strength and liqueurs may be imported from the United States, at a duty of two shillings a

gallon in addition to the present duty, which consists of four *per cent* on prime cost, and a shilling a gallon;

Second. That spirits of more than proof strength shall pay a proportional increase of the foregoing duties;

Third. That spirits of less than proof strength shall be forfeited;

Fourth. That spirits or liqueurs, if imported in any vessel not full, or in any vessel of less than eight gallons, shall be forfeited;

Fifth. That if any spirits, under any circumstances, be left by the way on this side of St. Peter's, or be broached or removed before payment of duty, or remain in the Settlement more than twenty-four hours without being truly reported, as to quantities and strengths, to the collector, then the whole of the foregoing duties in respect of the same shall be exacted threefold from every person concerned in evading or neglecting the law,—the duties, in each case of the kind, being estimated on the highest strength and greatest cost of any spirits imported in the same season;

Sixth. That Wines may be imported from the United States at a duty of one shilling a gallon, in addition to the existing duty of four per cent on the prime cost, and seven per cent on the local value, estimated at three-fourths of the average price of all the wines imported and sold by the H. B. Co., subject, however, to the fifth resolution, and, unless conveyed in packages containing not fewer than two dozen bottles, to the fourth resolution also;

Seventh. That down to the last day of December in each year, British subjects, who may have gone and come in the same season, and accompanied the whole of their importations all the way from St. Peter's to their own homes, may sell on their own account, for ready money only, such spirits as they may have imported at their own risk, in quantities not less than two gallons, and of a strength not less than proof;

Eighth. That if, after the twenty-fourth of this month, any other person, with the exception of such individuals as may hereafter be licensed, sell, whether by himself or through others, spirits of any strength or of any country, he shall make full restitution of the equivalents, and pay five pounds for every separate offence, and also one pound for every separate gallon of spirits or spirituous mixture so sold;

Ninth. That if any importer, who may be privileged as aforesaid, go beyond his authority, as expressed in the seventh of these regulations, he shall be liable, under the eighth regulation, as if he had never been privileged in any way;

Tenth. That the collector, whenever the evidence of his own senses may not be sufficient, shall, in addition, if possible, to other proof, invariably take the written declaration of every party interested with regard to the point at issue; and that, if such declaration be ascertained to be false, the guilty party shall pay a penalty of ten pounds over and above all that he may have evaded, or tried to evade, thereby;

Eleventh. That these regulations shall not affect the regulations of January last, or any other regulations whatever; nor shall the operation of one of themselves prevent the operation of any one of the rest;

Twelfth. That neither these, nor any other regulations shall be understood to permit any trade of any kind with the United States, unless to and from St. Peter's, or any other place beyond it having a custom-house or some equivalent establishment;

Thirteenth. That these regulations, as a matter of course, neither supersede nor restrict the rights of the Hudson's Bay Company, in any way; nor do they control its business, excepting as to payment of duties.

Fourteenth. That this Council do now adjourn.

ALEX. CHRISTIE, Gov. of Assiniboia.
ADAM THOM,
J. CROFTON,
†J. N. B. of JULIOPOLIS,
J. MACALLUM,
JOHN PRITCHARD,
ALEXANDER ROSS,
JOHN BUNN,
ANDREW McDERMOT,
J. P. PRUDEN,
CUTHBERT GRANT.

Minutes of a meeting of the Governor and Council of Assiniboia, held at Fort Garry on the twenty-eighth day of June, one thousand eight hundred and forty-seven.

PRESENT

Alexander Christie, Gov. of Assiniboia, President.
Adam Thom.
Major Griffiths.
The Rt. Rev. The Bishop of Juliopolis.
The Rev. John Macallum.
James Bird.
John Pritchard.
Alexander Ross.
John Bunn.
Andrew McDermot,
John P. Pruden.

Major Griffiths having laid before the Council his appointment as a member thereof by the Governor and Committee of the Hudson's Bay Company, the usual oath was administered to Major Griffiths, who took his seat accordingly.

The President then intimated that the late Commandant was about to leave the Settlement for Canada, on his way to England, and submitted to the Council the letter of which the following is a copy:

UPPER FORT GARRY, 27th June, '47.

ALEX. CHRISTIE, Esq.,
Gov. Red River Colony, Fort Garry.

SIR,—

My functions as member of the Municipal Council of Assiniboia having ceased on the arrival of my successor in command of Her Majesty's troops in the Hudson's Bay Territory, I have the honour to request that you will accept for yourself, as the Governor of the Red River Colony and President of the Council, my grateful acknowledgements for innumerable acts of kindness and consideration to myself and the Troops generally, the recollection of which shall be long cherished.

I beg that you will convey to every member of the Council my best regards and sincerest wishes for their collective and individual welfare, and my regret at being unable to take leave of them in person.

With the most friendly and grateful sense of the attentions I have received in this Colony in my public and private capa-

city, I beg you to accept for yourself, the Council, and whole Colony, my fervent prayers that you may all enjoy health, wealth, happiness and peace.

I have the honour to be, Sir,
Your most obedient h'ble Servant,

(Signed) J. CROFTON,
Lt. Colonel 6th Foot,
Late Comg. Troops H. B. Territory.

The Council unanimously

Resolved 1st. That we hereby record our sense of the courtesy and ability which Lieut. Colonel Crofton has displayed as a member of this Council, and also of the firmness and discretion which he has exhibited in establishing a garrison for the first time in this secluded dependency of the Empire, and that we hereby offer him our cordial wishes for that degree of prosperity and advancement which his moral and intellectual qualifications so well deserve.

Whereas a public library has been formed under circumstances highly creditable to the liberality and zeal of the community at large, it is, by a majority of 6 members to 4,

Resolved 2nd. That such zeal and liberality on the part of individuals entitle the institution in question to legislative assistance; and that, accordingly, a grant of fifty pounds is hereby made to the Committee, for the purchasing of books in England.

Mr. Pritchard, as Secretary of the Committee of Economy, presented the report of which the following is a cop, vt,—

Red River, May 31st, 1847.

To The Governor and Council
of Rupert's Land, in Council assembled.

The following report of the Committee of Economy respectfully sheweth:—

That your Committee have received from England, and partly sold, at reduced prices, such dyes as are generally used by the settlers; and also have landed, at York, the model of a fulling mill, together with the iron works necessary for its construction. They have likewise enquired the cost of a small carding machine.

Your Committee have also written to a friend of Governor Christie, in Scotland, to enquire the price of a small carding machine. And on what terms a person can be obtained, capable of dyeing, and dressing cloth; and what implements or utensils he would require, and likewise what materials will be requisite for blues, blacks, and reds.

Your Committee feel obliged to his Lordship, the Bishop of Juliopolis, for having ordered the model of a carding machine, of simple construction, from Canada.

Your Committee have distributed a prize of £2 for the best specimen of cloth, and another of £1 for the greatest quantity spun and woven in the same house. And have likewise given premiums of 30/. 20/. and 10/. to persons who have produced yarns of the first, second, and third qualities. They also awarded similar prizes in February last. And on that occasion, observing, with the highest satisfaction a decided improvement in the samples of cloth and yarn then exhibited, were encouraged to advertise the following premiums for the ensuing year.

1st. That a prize of £3 be awarded to the producer of the best cloth manufactured in the Settlement.

2nd. That a prize of £3 be awarded to the producer of cloth, most suitable for the climate, in strength and warmth.

3rd. That a prize of £5 be awarded to the producer of the greatest quantity spun and woven in the same family.

4th. That a prize of £2 be awarded to the producer of the best specimen of Camlet, stuff, or Tartan.

5th. That a prize of £3 be awarded to the producer of the best quality of Flannel.

6th. That a prize of £2 be awarded to the producer of the second quality of Flannel.

7th. That a prize of £2 be awarded to the spinner of the finest yarn for woof.

8th. That a prize of £2 be awarded to the spinner of the finest yarn for warp.

9th. That prizes of £1.10/, and £1, and 10/, be respectively awarded to the 4th, 5th, and 6th qualities of yarn.

10th. That, in order to encourage the production of cheese, of superior quality, the Committee have resolved to award a premium of £5 to the person that produces the largest quantity

of the best quality of cheese,[1] samples to be presented on the last Tuesday of October proximo.

Your Committee have offered a premium of £10 to the person who shall erect the first efficient mill, for the purpose of hulling barley and oats; provided his toll, for the first year, be such as the Committee of Economy shall approve of. Perhaps, in this particular, we may have deviated from the strict letter of our instructions; but the utility of such a mill, and the general good resulting therefrom will, we trust, ensure your favourable acquiescence in the measure.

The deteriorated state of the grain at present in the Settlement, being highly detrimental to agricultural prosperity, has led the Committee to request (that) Mr. Christie will be pleased to order from England or elsewhere, one hundred bushels of Black Sea wheat, and they have guaranteed to him one hundred pounds, in liquidation of the expense he may incur in obtaining so desirable an object.

The expenditure of the Committee altogether amounts to £93.5 from which may be deducted the proceeds of unsold dye stuff to the amount of about £25.

In conclusion, your Committee desire to express their grateful acknowledgement to Governor Christie for his valuable advice, and readiness at all times to promote the object of their appointment.

I have the honour to be,
With respectful consideration,
Gentlemen,
Your most obedient h'ble servant,

(Signed) JNO. PRITCHARD, Sec.

And the Council, being duly impressed with a sense of the judgement and zeal with which the proceedings of the Committee had been carried on, unanimously

Resolved 3rd. That the report be approved of.

Whereas the departure of George Marcus Carey, from the Settlement has created a vacancy in the Committee of Economy, It is unanimously

Resolved 4th. That Adam Thom be appointed a member of the Committee of Economy.

[1] This prize was won by John Gunn. See Report of the Bishop of Juliopolis, Chairman of the Committee of Economy, October 26, 1847. Document No. 23 of the collection in the Provincial Library, Manitoba.

Whereas there is also a vacancy in the Board of Works, it is unanimously

Resolved 5th. That Adam Thom be appointed a member of the Board of Works, and that the Board consist of

John P. Pruden,
Adam Thom, and
Alex Ross;
Mr. Pruden being Chairman.

Whereas much inconvenience has arisen from the present practice, it is unanimously

Resolved 6th. That no motion shall hereafter be entertained by the Council of which less than seven days' previous notice shall have been given, by the proposer, to every member of Council.

Resolved 7th. That this Council do now adjourn.

ALEX. CHRISTIE, Gov. of Assiniboia.
ADAM THOM.
J. GRIFFITHS.
†J. N., B. of JULIOPOLIS.
JOHN MACALLUM.
JAMES BIRD.
JOHN PRITCHARD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
J. P. PRUDEN.

Minutes of a Meeting of the Governor and Council of Assiniboia, held at Fort Garry on the 18th day of November, 1847.

PRESENT

Alexander Christie, Gov. of Assiniboia, President.
Adam Thom.
Major Griffiths.
The Rt. Rev. The Bishop of Juliopolis.
The Rev. Wm. Cockran.
The Rev. John Macallum.
James Bird.
John Pritchard.
Alexander Ross.
John Bunn.
Andrew McDermot.
John Peter Pruden.
Cuthbert Grant.

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The President having stated that he had called the present meeting of Council in compliance with several urgent applications, to that effect, from members of Council who were desirous of having an opportunity of expressing their sentiments regarding the anticipated withdrawal of the present garrison from Red River, the following resolutions were passed unanimously, vt:

Whereas, in the absence of information to the contrary, we are reluctantly constrained to acquiesce in the general anticipation that the present garrison of Red River Settlement is not to be replaced by any armed force whatever, it is unanimously

Resolved. That the subjoined memorial be transmitted, with the least possible delay, to the immediate rulers of Rupert's Land;

"*To The Honourable, The Governor, Depy. Gov. and Committee of The Hudson's Bay Company, The Memorial of The Governor and Council of Assiniboia;*

MAY IT PLEASE YOUR HONOURS.

Constituting, as we do, not only the legislative body, but also the judicial tribunal, of a Colony, which cannot fail to identify itself, for good or for evil, with the destinies of the rest of your vast and valuable territories, we feel bound, by a deep and solemn sense of what we owe both to those from whom we have received our delegated authority and to those over whom we wield the same, to implore your Honours to adopt such measures, as to your discretion may seem fit, for securing to this country the continuance of military protection.

In every point of view, the entire removal of a garrison from Red River Settlement would, in our opinion, be highly detrimental, as well to the Honourable Company's rights as to the welfare of the great mass of our fellow-citizens.

As at least a half, and that, too, the hardier half, of our male adults are drawn every summer, from their homes, partly as carriers and partly as hunters, the colony, at the very season that is peculiarly favourable to the movements of savages, would be placed at the mercy of the most reckless tribes on this continent, and would be obliged, under Providence, to rely, for its safety, rather on their fears than on its own means of defence.

Again, if war should suddenly break out, or even if a ground of animosity should suddenly intervene between Great Britain and the United States, this Settlement, separated, as it is, from Canada, by a broken and barren route of rock and water, and from St. Peter's merely by a level wilderness of rich pastures, would be liable to fall a prey, without warning of the disaster, even to the most inconsiderable force of mounted enemies, whether soldiers or marauders.

Lastly, amid a concentrated and secluded population of five thousand souls, many of them unaccustomed to the restraints of social life, and most of them tempted, by the very bounty of nature, to feel little of that dependence of man on man which forms the true cement of society; the law, if left to its local resources, would necessarily be administered only by sufferance; and, however remote and imaginary might be the danger to private individuals, still, the mere sense of insecurity on the part of the more substantial classes of the community, would be directly and actually fatal to the prosperity of the Settlement, and the progress of civilization.

Though none of these evils was fully realized previously to the establishment of our garrison, yet that comparatively happy result was more or less owing to the dread, that, sooner or later, a garrison might bring a day of retribution in its train, while now, besides aggravating every evil by a natural re-action, the measure, which we would respectfully and dutifully deprecate, would be regarded as a deliberate and final disclaimer of every hope of an extraneous remedy.

In conclusion, we confidently commit the common interests of the Honourable Company and Red River Settlement, the common cause of England and Rupert's Land, the common progress of peaceful commerce and aboriginal improvement, to your well known justice and wisdom and humanity.

We have the honour to be,
With sentiments of high consideration,
May it please your Honours,
Your faithful and obliged servants."

Whereas considerable inconvenience has arisen from the importation of spirituous liquors from the United States, it is

Resolved 2nd. That, from this date, the importation of ardent spirits from the United States be prohibited under the penalty of confiscation.

Resolved 3rd. That this Council do now adjourn.

ALEX. CHRISTIE, Gov. of Assiniboia.
ADAM THOM.
J. GRIFFITHS.
†J. N. B. of JULIOPOLIS.
WM. COCHRAN.
JOHN MACALLUM.
JAMES BIRD.
JOHN PRITCHARD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
J. P. PRUDEN,
CUTHBERT GRANT.

Minutes of a meeting of the Governor and Council of Assiniboia, held at Fort Garry on the ninth day of May, 1848.

PRESENT

Alexander Christie, Gov. of Assiniboia, President.
Adam Thom.
Major Griffiths.
The Rt. Rev. The Bishop of Juliopolis.
The Rev. Wm. Cockran.
The Rev. John Macallum.
Alexander Ross.
John Bunn.
Cuthbert Grant.
John P. Pruden.
John Pritchard.
Andrew McDermot.

After a motion for authorizing the magistrates to "issue licenses for the selling of spirits and liqueurs" had been negatived, it was

Resolved 1st. That, henceforward, without such licence as aforesaid, no person, other than the Hudson's Bay Company, shall sell spirits or liqueurs, excepting in a military canteen,

without being amenable to all existing laws, anything to the contrary notwithstanding, and it was

Resolved 2nd. That, henceforward, the first of September shall be substituted for the twentieth of the same month in the first of the hay resolutions of 1841; and it was

Resolved 3rd. That, henceforward, no public money shall be paid by the Collector excepting on the written order of the Chairman of any Public Board, and it was

Resolved 4th. That, the sum of Fifty Pounds sterling be placed at the disposal of the Board of Public Works, for the repairing of public roads, and it was

Resolved 5th. That, henceforward, no pig shall be allowed to be beyond his owner's fenced ground between the last day of March and the fifteenth day of November; and that the owner of any pig, which may be so at large at any point of the said period, shall be liable for all damage done by pigs, that may be so at large, during any part of the said season in the same year.

Resolved 6th. That, this Council do now adjourn.

ALEX. CHRISTIE, Gov. of Assiniboia.
ADAM THOM.
J. GRIFFITHS.
†J. N. B. of JULIOPOLIS.
WM. COCHRAN.
JOHN MACALLUM.
JOHN PRITCHARD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
J. P. PRUDEN.
CUTHBERT GRANT.

Minutes of a meeting of the Governor and Council of Assiniboia, held at Fort Garry on the twenty-seventh day of July, One thousand eight hundred and forty eight.

PRESENT

Alexander Christie, Governor of Assin: President.
Adam Thom, Councillor of Assiniboia.
The Rt. Rev. The Bishop of N. West, Councillor of Assiniboia.

The Rev. Wm. Cochran, Councillor of Assiniboia.
The Rev. John Macallum " "
James Bird, " "
John Pritchard, " "
Alexander Ross,
John Bunn, " "
Andrew McDermot, " "
John P. Pruden, " "
Cuthbert Grant, " "

The President having stated that he had called the meeting in consequence of the anticipated removal of the military; the following resolutions were unanimously carried:

Whereas, to the universal regret of this community, Her Majesty's regular troops are on the point of being withdrawn from this station, it is

Resolved 1st. That, the presence of the detachment, which is about to leave us, has been beneficial to every class of the population, and conducive to the civilization of the Settlement;

Resolved 2nd. That Major Griffiths, whether as commandant of the garrison, or as a member of this Council, is especialy entitled to our respect and esteem, and to our wishes for his health, happiness, and prosperity; and

Resolved 3rd. That, Mr. Governor Christie be requested to transmit a copy of the foregoing resolutions to Major Griffiths.

A petition having been presented by importers from the United States, with regard to a modification of American duties, it was

Resolved 4th. That the said petition be discussed at next meeting.

A motion being made by Mr. Councillor Alexander Ross for the appropriation of a certain sum annually, from the public funds, to the erection of a public granary, it was

Resolved 5th. That the consideration of said motion be deferred till next meeting.

The public account for the past year having been presented by the collector of the taxes, it was

Resolved 6th. That the examination of the said accounts be referred to the Committee of Finance.

Resolved 7th. That it is highly necessary a public clerk, both for the Council and the Court, be appointed, and that the subject be considered next meeting.

Resolved 8th. That this Council do now adjourn.

Alex. Christie, Gov. of Assiniboia.
Adam Thom,
†J. N., B. of North West,
John Pritchard.[1]

John Macallum,	John Bunn,
James Bird,	Andrew McDermot,
Wm. Cochran,	J. P. Pruden,
Alexander Ross,	Cuthbert Grant.

Minutes of a meeting of the Governor and Council of Assiniboia, held at Fort Garry on the twentieth day of September, one thousand eight hundred and forty-eight.

PRESENT

Alex. Christie, Governor of Assinboia.
Adam Thom, Councillor of Assiniboia.
The Rt. Rev. The Bishop of N. West, Councillor of Assiniboia.
The Rev. Wm. Cochran, Councillor of Assiniboia.
The Rev. John Macallum, " "
James Bird, " "
John Pritchard, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
John P. Pruden, " "
Cuthbert Grant, " "
John E. Harriott, Councillor of Rupert's Land.
John Ballenden, " "

The President having stated that he had called the meeting in consequence of the arrival of Major Caldwell, who has been appointed Governor of Assiniboia; and the latter gentleman having submitted to the Council his Commission as such, the usual oath was administered.

Major Caldwell's letter of instructions, given with his appointment, was as follows,—

Downing Street, 10th June, 1848.

Sir,—

I am directed by Earl Grey to acquaint you that so soon as circumstances will admit, after your arrival at Assiniboine,

[1] In lead pencil in original.

Her Majesty's Government will expect to receive from you a full and complete account of the condition of affairs at the Red River Settlement, and particularly of the mixed and Indian population living there; charges of maladministration and harsh conduct towards the natives having been preferred against the Hudson's Bay Company, which it is of the utmost importance should be either established or disproved. Her Majesty's Government expect from you, as an Officer holding the Queen's Commission, a candid and detailed report of the state in which you find the settlement you have been selected to preside over.

I would particularly direct your attention to the allegations which have been made of an insufficient and partial administration of justice; of the embarrassments occasioned by want of a circulating medium, except promissory notes payable in London; the insufficient supply of goods for ordinary consumption, by the company; and the hardships said to follow from an interference, which is reported to be exercised in preventing half-breed inhabitants from dealing in furs with each other, on the ground that the privileges of the native Indians of the country do not extend to them. These are only mentioned as instances, and your own judgment is relied on for enquiry into other points.

I have, &c.,

(Signed) B. HAWES.

Resolved 1st. That this Council do now adjourn.

ALEX. CHRISTIE, Governor of Assiniboia.
ADAM THOM.
WM. COCHRAN.
JOHN MACALLUM.
JAMES BIRD.
JOHN PRITCHARD.
ALEXANDER ROSS.
JOHN BUNN.
J. P. PRUDEN.
ANDREW McDERMOT,
CUTHBERT GRANT.

Minutes of a meeting of the Governor and Council of Assiniboia, held at Fort Garry on the twentieth day of September, one thousand eight hundred and forty-eight.

PRESENT

Major Caldwell, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
The Rt. Rev. The Bishop of N. West, " "
The Rev. Wm. Cochran, " "
The Rev. John Macallum, " "
James Bird, " "
John Pritchard, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
John Peter Pruden " "
Cuthbert Grant, " "
Alexander Christie, Councillor of Rupert's Land.
John E. Harriott, " "
John Ballenden, " "

Whereas, within and for the District of Assiniboia, the departments of government and trade have recently been separated, it is

Resolved. That Red River Settlement, amid many of the elements of anarchy and under unparalleled disadvantages of position, has owed peace and prosperity to the paternal administration of the Hudson's Bay Company's mercantile representatives.

The notices of motions were then continued to the next meeting; and Mr. Thom also gave notice that, at the next meeting, he would move that the Public Library should be incorporated, that its importations of books should be exempted from all public burdens, and that it should receive Fidler's Library.[1]

[1] By Peter Fidler's will made at Norway House, August 16, 1821, he gave his library of about 500 books, his printed maps, his globes, telescope, microscope, sextant, barometer, thermometers "for the general good of all those colonists settled in the lands of the Earl of Selkirk in Assiniboia." See Bryce, *The Remarkable History of the Hudson's Bay Company*, p. 282, and Archer Martin, *The Hudson's Bay Company's Land Tenures*, p. 108.

The meeting was then adjourned.

W. B. CALDWELL, Gov. of Assiniboia.
ADAM THOM.
WM. COCHRAN.
JOHN MACALLUM.
JAMES BIRD.
JOHN PRITCHARD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
J. P. PRUDEN.
CUTHBERT GRANT.

Minutes of a meeting of the Governor and Council of Assiniboia, held at Fort Garry on the tenth day of October, one thousand eight hundred and forty-eight.

PRESENT

Major Caldwell, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
The Rt. Rev. The Bishop of N. West, " "
The Rev. Wm. Cochran, " "
The Rev. John Macallum, " "
James Bird, " "
John Pritchard, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
John Peter Pruden, " "

Whereas an executive officer is urgently needed, in this Settlement, for many purposes, it is

Resolved, That Mr. William Robert Smith[1] be appointed, with a salary of seventy pounds sterling a year, to discharge all executive functions that now are, or hereafter may

[1] He arrived in Rupert's Land in 1813. He had been a student at Christ's Hospital, London. His first winter in the country was spent at Oxford House. He passed 8 years at Lesser Slave Lake. He was dismissed from the service owing to the reduction in the number of clerks incidental to the consolidation of the rival companies. He then turned his attention to agriculture in the Red River Settlement at Little Britain. During the period 1828-1832 he served as a catechist. Later he established a school. As clerk of council and courts he gave many years of faithful service.

be, required, with the exception of the duties of a constable and the management of the gaol, it being more particularly understood that he be Secretary and Assistant to the Governor, that he be Clerk to the Council, to the Courts of all kinds, to meetings of magistrates of all kinds, and to the Recorder in his municipal capacity; that he be Clerk and Assistant to the Board of Works, the Committee of Economy, and the Committee of Finance, and that he collect all municipal duties and dues without any deduction as poundage.

Whereas Alexander Ross, Esquire, has spontaneously resigned the office of collector, it is

Resolved 1st. That he is entitled to the best thanks of this Council and of the community in general, for the polite and considerate mode in which he has performed his occasionally difficult and invidious duties.

Whereas no grant has been made, for several years, in favour of the Committee of Economy, it is

Resolved 2nd. That the sum of a hundred and fifty pounds sterling be vested in that body on account of past years, as well as of the present year.

Whereas a petition has been presented to the Council for the modification of the duties on imports from the United States, it is

Resolved 3rd. That, henceforward, such imports, saving all existing exemptions, be subject to an uniform duty of ten per cent on the invoice value, and no other duty whatever.

Whereas it is the duty, as well as the interest of a government, to promote education and literature, it is

Resolved 4th. First. That the Public Library be a body politic and corporate;

Secondly. That all importations of books be exempted from all public burdens;

Thirdly. That the books, &c., which were bequeathed to the Settlement by the late Mr. Peter Fidler,[1] be placed under the charge of the corporation aforesaid, together with all such documents as may lead to the recovery of any missing property.

On the motion of Mr. Ross, seconded by Dr. Bunn, it is

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[1] The Red River Colonists met Peter Fidler the H. B. Co. Surveyor at York Factory in 1812. His Journal gives information concerning early days at Red River. See *Introduction*.

Resolved 5th. That a sum not less than a hundred and fifty pounds sterling be taken from the public fund, and exclusively appropriated to the establishment of a Public Granary.

The meeting then adjourned.

W. B. CALDWELL, Gov. of Assiniboia.
ADAM THOM.
WM. COCHRAN.
JAMES BIRD.
ALEXANDER ROSS.
ANDREW McDERMOT.
JOHN MACALLUM.
JOHN PRITCHARD.
JOHN BUNN.
J. P. PRUDEN.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on the seventh day of December, one thousand eight hundred and forty-eight.

PRESENT

Major Caldwell, Governor of Assiniboia,	President.	
Adam Thom,	Councillor of	Assiniboia.
The Rev. Wm. Cochran,	"	"
The Rev. John Macallum,	"	"
James Bird,	"	"
John Pritchard,	"	"
Alexander Ross,	"	"
John Bunn,	"	"
Andrew McDermot,	"	"
John Peter Pruden,	"	"
Cuthbert Grant,	"	"

The Minutes of the preceding meeting were read and confirmed.

The President then stated he had convened the Council for the purpose of considering the best method of proceeding with regard to some spirituous liquor which Mr. Green had imported into the Settlement in 1847, from the United States, and upon which he paid the duty.

On the motion of the Rev. Mr. William Cochran, seconded by Mr. McDermot, it is

Resolved. As Mr. Green states his having (more or less) ninety-five gallons of spirits, that the sum of nine shillings per gallon be paid him, and the spirits immediately delivered to the charge of Mr. Smith.

On the motion of Mr. Thom, it is

Resolved. That the Committee of Finance be empowered to pay Mr. Green, and to dispose of the said spirits to the best advantage.

On the motion of Mr. Thom, it is

Resolved. That the Beer Law of nineteenth of February, 1847, be permanently revived, excepting that each licence for a year shall be charged One Guinea, and that unlicensed persons shall not sell whole kegs, unless on their own premises.

Resolved. That, this meeting do now adjourn.

W. B. CALDWELL, Gov. of Assiniboia.
ADAM THOM.
WM. COCHRAN.
JOHN MACALLUM.
JAMES BIRD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
J. P. PRUDEN.
CUTHBERT GRANT.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on the thirty-first day of May, one thousand eight hundred and forty-nine.

PRESENT

Major Caldwell, Governor of Assiniboia, President.
Adam Thom, Esquire, Councillor of Assiniboia.
The Rt. Rev. The Bishop of N. W., " "
The Rev. Wm. Cochran, " "
The Rev. John Macallum, " "
James Bird, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
John P. Pruden, " "
Cuthbert Grant, " "
John Ballenden, Councillor of Rupert's Land.
John Black, " "

The President having stated that he had called a council for the purpose of considering what measures ought to be devised for the prevention of such unlawful assemblages of the people as occurred on Thursday week,[1] and for the restoration of the tranquility of the Settlement. The Council concurred in the opinion that the excitement in question had arisen, in a great measure, from a desire on the part of the Canadian and half-breed population to obtain the following objects, vidt.:—

1st. The immediate removal of Mr. Recorder Thom from the Settlement.

2nd. The conducting of all judicial business through the medium of a judge who would address the Court in the French as well as in the English language.

3rd. The rescinding of the existing law respecting all imports from the United States of America.

4th. The infusion into the Council of Assiniboia of a certain proportion of Canadian and half-breed members.

5th. A free trade in furs.

With reference to these objects the Council unanimously concurred in opinion, as regarded the first, that the personal liberty of Mr. Thom must be held equally inviolable with that of every other citizen, and that those attempting any infringement on the same must bear the consequences; with respect to the second, that Mr. Thom having, at the commencement of the proceedings, expressed his willingness, in future, to address the Court in both languages, in all cases involving either Canadian or Halfbreed interests, such a line of procedure should be hereafter adopted; as respects the American imports, the Council pledges itself to take the whole matter into its favourable consideration; that, with respect to the infusion of Canadians and Half-breed members into the Council, the Council has no direct power in the matter, but will gladly make a recommendation to the Committee of the Honble. Hudson's Bay Company on the subject. With regard to free trade in Furs, the Council cannot interfere in the matter, as any alteration can only be effected by the Queen and the two Houses of Parliament.

[1] This refers to disturbances in connection with the celebrated case, Hudson's Bay Company *versus* Sayer. William Sayer, McGillis, Laronde and Goullé, French half-breeds were accused of illegal trafficking in furs with the natives. Sayer's trial took place on May 17.

Resolved. That these proceedings be immediately published.

W. B. CALDWELL, Gov. of Assiniboia.
†J. N., B. of the North West.
WM. COCHRAN.
JAMES BIRD.
JOHN BUNN.
ALEXANDER ROSS.
ANDREW McDERMOT.
J. P. PRUDEN.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on the thirtieth of July, one thousand eight hundred and forty-nine.

PRESENT

Major Caldwell, Governor of Assiniboia, President.
The Rt. Rev. Bishop of the N.W., Councillor of Assiniboia.
Rev. William Cochran, " "
James Bird, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
John Peter Pruden, " "
John Ballenden, " "

The President stated he had convened the Council in order that they might deliberate and decide upon the import duties from the United States, in compliance with a resolution passed on 31st May, 1849.

On the motion of Dr. Bunn, seconded by the Rev. Wm. Cochrane, it was

Resolved. That, henceforward, such imports (saving the exemption of stoves) shall be subject to an uniform duty of four per cent on the invoice value.

The President then referred with regret to having received a letter from Dr. Bunn, expressing a desire to resign his appointment as magistrate of Assiniboia, and proposed to the Council whether the Quarterly General Courts of Governor and Council should be held as usual; it was

Resolved. That the 2nd Resolution of the Council held upon the sixteenth day of June, 1837, be suspended, and that,

in future, the Supreme Court shall consist of the Governor and Council, with the aid of a Jury:

It was further

Resolved. That the petty courts shall be held, by Mr. Ross and two other Councillors at the same time and place as heretofore.

Whereas much loss has been sustained by the Settlers generally by the increase of wolves, it was

Resolved. That the sum of Twenty Pounds sterling be applied for the purchase of strychnine, for the destruction of wolves in the Settlement.

W. B. CALDWELL, Gov. of Assiniboia.
†J. N., B. of North West.
WM. COCHRAN.
JAMES BIRD.
ALEXANDER ROSS.
JOHN BUNN.
JOHN PETER PRUDEN.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on the twelfth day of October, one thousand eight hundred and forty-nine.

PRESENT

Major Caldwell, Governor of Assiniboia, President.
The Rt. Rev. The Bishop of Rupert's Land,[1] Councillor.
The Rt. Rev. The Bishop of North-West, Councillor.

The Rev. William Cochrane,	Councillor of	Assiniboia.
The Rev. John Smithurst,	"	"
James Bird,	"	"
Alexander Ross,	"	"
John Bunn,	"	"
John Peter Pruden,	"	"
Cuthbert Grant,	"	"

The President having stated that he had called a meeting of Council for the purpose of receiving the Right Reverend the Lord Bishop of Rupert's Land and the Rev. Mr. John Smithurst, both gentlemen, having submitted to the Council their Commissions, were duly sworn by the President, who administered the usual oath, on which they took their seats as councillors of Assiniboia.

[1] Rev. David Anderson, D.D.

The President next adverted to the loss the Settlement had sustained by the death of the Rev. Mr. Macallum, and by which cause the office of Coroner had become vacant, but was happy to state that Dr. Bunn had accepted the office.

The President next entered upon the state of the public roads, and, after some discussion, it was

Resolved 1st. That the Settlement be divided into sections of four miles length, more or less.

Resolved 2nd. That three persons be appointed to inspect each section.

Resolved 3rd. That the Governor of Assiniboia be requested to appoint the individuals of each section, having for their object the repairs of the roads, during the term of one year.

W. B. CALDWELL, Gov. of Assiniboia.
D. RUPERT'S LAND.
†J. N., B. of the North-West.
WM. COCHRAN.
JAMES BIRD.
ALEXANDER ROSS.
JOHN BUNN.
J. P. PRUDEN.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on Tuesday the twenty-second of January, one thousand eight hundred and fifty.

PRESENT

Major Caldwell, President.
The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.
The Rt. Rev. The Lord Bishop of N.-W., " "
The Rev. Will'm. Cochrane, " "
James Bird, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
J. P. Pruden, " "

The President stated that he had been informed the settlers had sustained great loss by the depredation of wolves, and the gentlemen to whom the distribution of the strychnine was confided had expended their stock, and there being no possi-

bility of its being replenished till the autumn, he proposed, for the decision of the Council the following Resolutions:—

Resolved 1st. That a premium of five Shillings from the public funds be paid for every wolf killed within twenty miles of the banks of Red River Settlement, the head to be delivered to an overseer of roads, on receipt of the premium.

Resolved 2nd. That in consequence of the arrival of the Right Reverend the Bishop of Rupert's Land, the 5th Resolution of the minutes of Council on the 19th June, 1844, be cancelled.

The Queen having been pleased to erect Rupert's Land into a Bishopric and Diocese, and other improvements, has brought the Settlement of Red River into nearer connection with Her Majesty's Government, and created a corresponding interest in the minds of the British public for the advancement and prosperity of this Colony; it appears desirable, therefore, to keep alive the feeling by a more frequent communication with our Fatherland—

And, whereas the private traders specially, and the settlers generally, would be benefitted thereby, it is, therefore, proposed that a sufficient sum from the public funds be appropriated for sending an express from hence with letters for England, via St. Peter's, or the nearest post town, the bearer to bring back all letters and newspapers for the Settlement.

Dr. John Bunn gave notice of a motion for the regulating certain restrictions on bulls in the Settlement.

Dr. John Bunn gave notice of a motion for a Bridle Road through the Settlement.

W. B. CALDWELL, Gov. of Assiniboia.
†J. N. Bishop of the North-West.
WM. COCHRAN.
JAMES BIRD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
J. P. PRUDEN.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on Monday the eighth day of July, one thousand eight hundred and fifty.

PRESENT

Major Caldwell, Gov. of Assiniboia, President.
The Rt. Rev. the Lord Bishop of N. West,
Councillor of Assiniboia.

The Rev. W. Cochrane,	"	"
James Bird,	"	"
Alexander Ross,	"	"
John Bunn,	"	"
Andrew McDermot,	"	"
John P. Pruden,	"	"
John Ballenden,	"	"
Cuthbert Grant,	"	"

John Black, Chief Trader, by invitation.

The President briefly stated that the primary object he had in convening the present Council was the resignation of the Sheriff, Mr. Ross, and as an application had been made to him to hold a special Court, he found that in the absence of that functionary, so necessary in our Court, it would be impossible to proceed in the manner we had hitherto done, without a person qualified to act in his place. He therefore submitted to the council the present state of the Court, and was ready to listen to, and embrace, any suggestion they would lay before him.

Mr. Ross proposed that he would continue his functions as Sheriff, and act in that capacity until the President could find a fit person to succeed him.

Which was agreed to.

The President then referred to the motion that passed at the last Council, concerning extra communication between this place and Europe, on which the President observed that in his conversation with Sir G. Simpson, he, Sir George Simpson, had informed him that £200 would be requisite for the intended communication, and, if the Council of Assiniboia would deposit that sum, he would ensure them six opportunities of correspondence with Europe. After some conversation, the motion was cancelled.

The President next adverted to a motion of Dr. Bunn's, for restrictions on bulls, which motion, Dr. Bunn informed the Council, he, in consequence of information he had received, would now beg to cancel.

Doctor Bunn then brought forward his motion, in a modified form, for a bridle path through the Settlement. He now only requested the necessary funds for the construction of a bridge over that creek between Mr. Donald McKenzie's and Mr. Ross' dwellings, and also a bridge over that creek near John Tait's dwelling.

Which was agreed to.

The President next read a letter, addressed to the Governor and Council of Assiniboia, from Mr. C. Mowat, praying a deduction of import duties on merchandise used or sold on the voyage from York Factory to this Settlement.

Deferred till the next meeting of Council.

Dr. Bunn then gave notice of a motion for a grant of £50 in aid of the Red River Agricultural Association.

The President gave notice of a motion for the selection of magistrates to decide cases in petty courts.

W. B. CALDWELL, Gov. of Assiniboia.
†J. N., B. of the North West.
WM. COCHRAN.
JAMES BIRD.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT.
CUTHBERT GRANT.
JOHN BALLENDEN.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court-house on Thursday the fifth day of September, one thousand eight hundred and fifty.

PRESENT

Eden Colvile, Esquire, Gov. of Rupert's Land, President.
Major Caldwell, Governor of Assiniboia.
Adam Thom, Esquire, Councillor of Assiniboia.
The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.
The Rt. Rev. The Lord Bishop of the North West, Councillor of Assiniboia.
The Rev. W. Cochrane, " "
The Rev. J. Smithurst, " "
The Rev. Louis Lafleche, " "

James Bird, " "
Alexander Ross, " "
John Bunn, " "
Andrew McDermot, " "
John Ballenden, " "
Cuthbert Grant, " "

Major Caldwell stated that as some of the members of that Council had expressed a desire that the Governor of Rupert's Land should occupy the place of President of the Council of Assiniboia, he, in compliance with their request, felt happy in introducing him. Eden Colvile Esqr., then handed to the secretary his commission to act as Governor of Rupert's Land, from the Governor and Committee of the Honourable the Hudson's Bay Company, to read, after which, he was sworn in by Major Caldwell. The Governor of Rupert's Land then took the chair, and the Rev. L. Lafleche and John Ballenden, Esquire, were both sworn in Councillors of Assiniboia, by the President, Eden Colville, Esqr., Governor of Rupert's Land.

The Secretary having read the minutes of the last meeting of Council, the motions contained therein were discussed.

On the subject of Mr. Mowat's letter, "Praying for a deduction of the import duty on articles sold to his men at York Factory or used on the route from that place to this Settlement, or other articles *indented* expressly for his friends en route, and non residents of this place":—After due consideration it was agreed that the secretary should inform Mr. Mowat: That no deductions could be made for property sold en route, excepting when he had sent home an order for his friends the year before; Provided, however, that such orders were forwarded in a separate package, and his invoice proving the same to the satisfaction of the collector of customs.

Doctor Bunn's motion for a grant of £50 in aid of the Red River Agricultural Association:

Doctor Bunn stated that, subsequent to his having made the motion, he had examined the affairs of the Association, and he would now move for a grant of money not exceeding £25 sterling; which was granted.

Major Caldwell's motion for the nomination of magistrates to decide in petty cases:

Deferred till next meeting of Council.

Doctor Bunn gave notice of a motion for a sum of money to be granted for the purchasing printed blank forms of summonses, sub-pœnas, and warrants.

The Rev. Louis Lafleche gave notice of a motion for the establishing of a ferry over the Red and Assiniboine Rivers.

Dr. Bunn gave notice of a motion for the getting of a printing press.

Adam Thom, Esquire, gave notice of a motion for taking into consideration the propriety of granting public money for Education.

The meeting then adjourned.

E. COLVILE, Gov. Rupert's Land.
W. B. CALDWELL, Gov. of Assiniboia.
ADAM THOM.
DAVID Rupert's Land.
†J. N., B. of the North West.
WM. COCHRAN.
J. SMITHURST.
LOUIS LAFLECHE, Ptre.
ALEXANDER ROSS.
JOHN BUNN.
ANDREW McDERMOT,

Minutes of a meeting of the Governor of Rupert's Land and the Governor and Council of Assiniboia, held at the Courthouse on Wednesday the sixteenth day of October, one thousand eight hundred and fifty.

PRESENT

Eden Colvile, Governor of Rupert's Land, President.
Major Caldwell, Governor of Assiniboia.
Adam Thom, Councillor of Assiniboia.
The Rt. Rev. Lord Bishop of Rupert's Land, Councillor of Assiniboia.
The Rt. Rev. The Bishop of the North West, Councillor of Assiniboia.
The Reverend W. Cochrane, " "
The Reverend J. Smithurst, " "
The Reverend L. Laflèche, " "
Alexander Ross, " "
Doctor Bunn, " "
Andrew McDermot, " "

Whereas it is expedient that magistrates be appointed for exercising summary jurisdiction in ordinary police cases, and in actions for debt to the amount of five pounds; it is

Resolved. That the District of Assiniboia be divided into three districts, as under:

White Horse Plain District—

Down to Sturgeon Creek on both sides of the Assiniboine River.

Upper District—

Down to Lot (the Bishop of R. L's. house) on the south side, and to Lot (the lot opposite the above) on the North side of the Red River.

Lower District—

From Lots —— & —— to the end of the Settlement, on both sides of the Red River.

That the following magistrates be appointed for the respective districts, viz.:

White Horse Plain District:

1st. Pascal Berland.[1]
2nd. Urbin Delorme.
3rd. Joseph Guilbeau.

Upper District:

1. François Bruneau.
2. Maximilian Genteau.
3. William McMillan.
4. William Ross.
5. Alban Fidler.

Lower District:

1. Donald Gunn.[2]
2. Roderick Sutherland.
3. John Inkster.

That the several courts be held as under, commencing the next month:

White Horse Plain District; the 2nd Monday in every 2nd month

Upper District; the 3rd Monday in every month

Lower District; the 4th Monday in every 2nd month

provided, always, that it be discretionary for the magis-

[1] Breland.

[2] Donald Gunn, schoolmaster, historian, and later a member of the Legislative Council of Manitoba. He came to York Factory in 1813, and Red River in 1823. He died at Little Britain in 1878.

trate to adjourn their courts over the season of seed time and harvest.

That two constables be in attendance at each of the courts, during the sittings of the magistrates.

That the said magistrates shall have summary jurisdiction in all ordinary police cases, and in all actions of debt to the amount of forty shillings, and that two magistrates and a president shall form a quorum.

That the said Courts shall be held at the undermentioned places, viz.:

White Horse Plain District....At Mr. Grant's house.
Upper District .. ..At the Court-house.
Lower District.. .. ..At St. Andrew's School-house.

That the said magistrates shall have jurisdiction in actions for debt to the amount of five pounds, but when the amount be above forty shillings an appeal shall lie to the Quarterly General Court; provided, always, that the appellant shall, in all cases, lodge in the hands of the sheriff an amount sufficient to meet the costs, both of appeal and in the court below.

That Cuthbert Grant, Esquire, shall be ex-officio President of the Court in the White Horse Plain District.

That Alexander Ross and Andrew McDermot, Esquires, shall be ex-officio Presidents of the Court in the Upper District.

That John Bunn and Thomas Thomas, Esquires, shall be ex-officio Presidents of the Court in the Lower District.

That the said Presidents shall have only a casting vote in cases where a majority have not decided.

That an allowance of five pounds per annum be made to each of the magistrates hereby appointed, to cover all expenses.

That, in any suit originally brought before the General Court, if the bench, after verdict rendered, shall unanimously decide that such suit ought to have gone before a local Court, the plaintiff, in that case, shall not recover from the defendant the cost of the Jury.

"Dr. Bunn's motion for the grant of a sum of money for "the purchasing blank printed forms of summonses, &c., &c. it was

Resolved. That a sum not exceeding five pounds be granted, and that Adam Thom, Esquire, be requested to draw out the necessary forms, and to be forwarded the earliest opportunity to St. Peter's, to be printed.

"On the Reverend L. Laflèche's motion for the establishing "of a ferry over the Red and Assiniboine Rivers,—it was

Resolved. That a sum not exceeding fifty pounds be granted for that purpose, and that a committee of management be formed for the carrying out the same. That Alexander Ross, Esquire, The Rev. L. Laflèche and Andrew McDermot, Esquire, be the members of that committee.

"On the motion of Dr. Bunn for the getting a printing "press, it was

Resolved. That a sum not exceeding thirty pounds be granted for that purpose, and that Am. Thom, Esq., The Revd. L. Laflèche, and Dr. Bunn be appointed to make the necessary selection of types, &c., &c.

"Adam Thom, Esqr., motion for taking into consideration "the propriety of granting public money for education—

Deferred till next meeting of the Council.

Alexander Ross, Esqr., gave notice of a motion:

"That all the police guns and accoutrements purchased "be collected for inspection by the next meeting of the Council.

E. COLVILE, Gov. of Rupert's Land.
W. B. CALDWELL, Gov. of Assiniboia.
ADAM THOM.
DAVID Rupert's Land.
†J. N. Bishop of the North West.
WM. COCHRAN.
LOUIS LAFLECHE, Pte.
JOHN BUNN.

COUNCIL CHAMBER,
THURSDAY, 1st May, 1851.

Mr. Governor Caldwell having taken the chair, Mr. Governor Colvile intimated to the Governor and Council of Assiniboia, that, in consequence of instructions received from the Honourable Committee, he was no longer to preside, either in Court or in Council, and that in consequence of other instruction, also received from Their Honours, Mr. Thom's commission as Recorder and Councillor had been revoked, and that Mr. Thom had farther accepted, on the offer of Their Honours, the office of Clerk of the Council and of the Court.

Mr. Smith then read the minutes of last meeting, which were confirmed in the usual way.

Mr. Governor Caldwell having intimated that Mr. Ross had resigned the office of Sheriff, and was to resign the office of Governor of the Gaol, Dr. Bunn moved, and Mr. Cochran seconded, these two resolutions:—

1st. Resolved: That Mr. William Ross be appointed Assist. Sheriff with Mr. Grant.

2nd. Resolved. That Mr. William Ross be, after the first of June, appointed Governor of the Gaol, with the usual salary.

Carried unanimously.

The Rev. Mr. LaFlèche reported with respect to the ferry, and was further empowered to complete all necessary arrangements by himself, and to report definitely to next meeting of Council.

Mr. Governor Caldwell having intimated that Mr. Ross and Mr. McDermot had resigned the office of President of the Petty Court of the Upper District, Dr. Bunn moved, and Mr. Cochran seconded, this resolution:

That Mr. Black be appointed President of the Petty Court in the Upper District.

Carried unanimously.

Dr. Bunn moved, and Mr. Black seconded, these resolutions:

Whereas the state of the public roads demands immediate and extensive application of the public money.

Resolved 1st. That a sum not exceeding Five Hundred Pounds be expended on the improvement of toll Roads and gradually throughout the Settlement, including the repairing of old and furnishing of new roads, where necessary.

Resolved 2nd. That the Governor, with the assistance of such of the Councillors or magistrates as he may call upon for their aid, be authorized to carry that resolution into effect with as little delay as possible, and, with that view, that the necessary instructions be given Mr. Smith for advertising for tenders, &c.

Resolved 3rd. That, in order the more correctly to ascertain what portions of the roads stand most in need of improvement, Mr. Smith under the Governor's more immediate directions, be authorized to confer with the Road Inspectors belonging to the various sections of the Settlement, and that after doing so, he submit to the Governor a report on the subject,—setting forth the result of his inquiries, and also shewing an estimate of the probable expense attending the repairs and improvements which that report may recommend, as being, in

the opinion of the Road Inspectors, most essential to the public convenience.

There being, in the Settlement, various thoroughfares, which although not formerly any part of the line of the highway, are yet the channels of considerable public intercourse, and therefore fit objects on which to expend a portion of the public fund.

Resolved 4th. That Mr. Smith, in conferring with the inspectors, and in preparing his report, take cognizance of the more important of such thoroughfares, and that the Governor, with the assistance aforesaid, be authorized to devote to the improvement of the same such portion of the sum granted by the first of these resolutions as may be deemed necessary.

Carried unanimously.

Dr. Bunn gave notice, against next meeting, of the following motion:—

Resolved. That in every case of debt not exceeding forty shillings, the debtor, whether before or after judgement, shall be exempted from imprisonment under such arrangements as may be equitable to both debtor and creditor.

Mr. Cochran moved, and Mr. LaFlèche seconded, this resolution:—

To weaken the mischievous and destructive energy of those violent and untamed qualities of human nature, which so frequently manifest themselves in society in a half civilized state, and to strengthen the feelings of honourable independence, to encourage habits of industry, sobriety, and economy, it is

Resolved. That £100 be granted from the public funds, to be divided, equally, between the Bishop of Rupert's Land and the Bishop of North West, to be applied by them at their discretion for the purposes of education.

Carried unanimously.

Mr. Cochran gave notice, against next meeting, of the following motion:—

As serious damages have, from time to time, been sustained by the settlers, from a number of savage dogs being permitted to roam at pleasure through the colony, killing sheep, pigs and poultry, it is

Resolved. That the Council of Assiniboia take this subject into serious consideration, and adopt such means as they may deem best calculated to suppress this evil of which the settlers so greatly complain.

Mr. Cochran gave notice, against next meeting, of the following motion:—

To facilitate equitable dealing between persons engaged in trade and their customers, it is

Resolved. That a public inspection of weights and measures be instituted by the Council of Assiniboia, to prove the weights and measures now in use in the Settlement, and, should any be found deficient, that the Council take such means as may induce the different dealers to import and use such weights and measures as are by law appointed in the Mother Country.

Dr. Bunn moved, and Mr. LaFlèche seconded, the following resolution:—

Resolved. That Mr. Thom be requested, in conjunction with the Rev. Mr. LaFlèche and Dr. Bunn, to present the Governor and Council with a report on the state of the law.

W. B. CALDWELL, Gov. of Assiniboia.
DAVID Rupert's Land.
†J. N., Bishop of North West.
JOHN BUNN.
LOUIS LAFLECHE, Ptre.
CUTHBERT GRANT.
J. BLACK.

COUNCIL CHAMBER,
27th November, 1851.

Major Caldwell, on behalf of Mr. LaFlèche, stated that the ferry had been let to Narcisse Marion for one month, and then for a second month, he receiving five pounds a month, and paying in the proceeds,—that, after these two months, McDougall took the ferry on his own account.

Mr. Thom read the report of the Printing Press Committee:—

RED RIVER SETTLEMENT,
27th Nov. 1851.

The members of the Printing Press committee beg to submit the following report of their proceedings to the Governor and Council of Assiniboia.

By the December express of last winter we forwarded instructions on the subject to Mr. Assistant Secretary Smith, in the following letter.

" W. G. Smith, Esqr.,
Hudson's Bay House.

Red River Settlement,
25th Nov., 1850.

My Dear Sir,—

As inconvenience and confusion have long been found to arise from the difficulty of copying any municipal proceedings in any way, and from the impossibility of copying them correctly, or at least uniformly, the council, at its last meeting, appointed Dr. Bunn, the Rev. Mr. LaFlèche, and myself, as a committee to import a small press and types complete, to be exclusively reserved, under proper control, for municipal purposes alone,—the grant being limited to £30 sterling, the amount of the enclosed bill of exchange.

With the " Specimens of Types " of Holtzapffel & Co., 64 Charing Cross, to guide us, we have agreed on the following order:—

1. The pamphlet, from which "Specimens of Types" is an extract;

2. A ream and a half of printing paper, of foolscap size, to match the press described in page 78 of the third edition of the pamphlet aforesaid, at the very bottom of the page;

3. The press itself, aforesaid, with all its apparatus complete, amounting in all to £27. 13. 6.*

* We take for granted that we shall be able to print a whole page of foolscap in each of the four principal kinds of type, 9, 13, 17, 23.

4. In addition, if necessary, to the "Great Primer" portion of the assortment of types, we wish to have as many capitals of the size of the word "Amazon" on page 65, as may be necessary to make up " Red River Settlement " and " District of Assiniboia."

5. An additional "Large Box of Superfine Printing Ink";

6. As everything must be printed in French as well as English, we require a supply of accents and cedillas, whether separate or appended to the proper types, we do not know.

7. With reference to the use of two languages, we need as many capitals of the size, aforesaid, of "Amazon" over and

above those required in my fourth entry, as may express "Rivière Rouge" and "District d'Assiniboie."

If our funds are short, a point which you can easily ascertain before the departure of the express by the spring canoes, we shall remit the difference by the very first opportunity after the arrival of the same.

Will you order the packages to be addressed to me, with "D. of A" in the corner? Will you also have the kindness to give the necessary hints as to the packing for our amphibious route?

I remain,
My Dear Sir,
Yours very truly,
(Signed) ADAM THOM.

To this letter we received, by the spring canoes, the following answer:

"ADAM THOM, ESQ.

HUDSON'S BAY HOUSE,
London, March 29, 1851.

Dear Sir,

Your letter of the 25th Nov. requesting me to forward a small Printing Press for municipal purposes, came duly to hand on the 24th inst., and I beg to inform you that it will not be in my power to comply with your request this season, the Governor and Committee having declined to afford freight for the press without an official application from the Governor and Council of Assiniboia.

Under the circumstances, I shall do nothing in the matter until I hear further from you, and, in the meantime ,the proceeds of the £30 bill, remitted for payment of the press, will be passed to the credit of your account with me.

I am,
Dear Sir,
Yours faithfully,

(Signed) W. G. SMITH."

The whole, nevertheless, respectfully submitted.

(Signed) ADAM THOM.
L. LAFLECHE, Ptre.
JOHN BUNN."

Mr. Thom read the report of the Law Amendment Committee,—the report to lie on the table till next meeting.

RED RIVER SETTLEMENT,
May 1851.

In submitting to the Governor and Council of Assiniboia our report on the state of the law of the district, we beg to offer some explanatory remarks.

We have reduced the whole of the existing regulations within the very narrow compass of little more than forty resolutions. This brevity we have attained partly by throwing aside all preambles whatever, and partly by omitting all such regulations as would appear never to have been called into practical operation.

In pursuit of the same desirable object, we have attempted to simplify and abridge the phraseology. In short, we trust that we have been enabled to disencumber our municipal code of all those redundancies of language or enactment, which inevitably spring from every man's overweening estimate of present interests and present feelings.

In some instances, too, we have, under correction of course, regarded the law, not as it is, but as it ought to be. Our substantive modifications of local provisions will be noticed in detail, under the proper heads. With respect, however, to the general law of the country, we must here speak at greater length. According to a well known principle, the law of England, so far as it is introduced into any dependency at all, is introduced as it may have existed at home at the date of its introduction into the Colony, subject, however, to the qualification, that only such portions of the same are contemplated as may be applicable to the circumstances of the new country. According to this view the laws of England, which are in force in Rupert's Land, are those of 2nd May, 1670, subject, of course, to the qualification just mentioned. Now the laws of England of that date, independently of their inherent and essential inferiority, are difficult, nay, generally speaking, impossible, to be ascertained, more particularly in such a wilderness as this. We have, therefore, suggested the substitution of the laws of England, as existing at such a date as would render nearly every legal publication in the Settlement a work of authority. Hitherto, the inconvenience of

so obsolete a rule of decision has been in a great measure, nominal; but if Mr. Thom is, henceforward, to give formal opinions in writing, he must either shock the common sense of the community, with antiquated absurdities in all their naked deformity, or assume to himself a responsibility, or, rather an authority, which ought not to fall to the lot of any individual whatever.

But we have suggested that the modification in question of the general law be in force only till some higher power shall have expressly established some other rule of action. Such a limitation is, in fact, merely declaratory of the subordinate position of the Governor and Council of Assiniboia. Our local legislature is not omnipotent in the same sense in which the imperial parliament is said to be omnipotent, a point which, as vitally affecting the business of legislation, may, perhaps, deserve further elucidation in a report on the state of the law.

I. Our local legislature is restrained by all the statutes of the imperial parliament which may apply to Rupert's Land; and any colonial enactment, that might be repugnant to any such statute, would not only be null and void in itself, but might expose the governor, as an assenting party, to penalties and disqualifications.

Two statutes, for instance, of George the Third, prohibit the Plantations in America, of which Rupert's Land is, by its charter, held to be one, from making paper money a legal tender; so that the Hudson's Bay Company's local notes, though confessedly and decidedly superior in local value to any metallic currency in the world, yet cannot be made to constitute the legal satisfaction of a debt.

II. Our local legislature, moreover, owes allegiance, the same in kind, though different in degree, to the regulations of the Governor and Council of Rupert's Land. In 1848, for instance, a resolution was passed at Norway House, to allow marriages to be celebrated by others than clergymen of the Church of England or of the Church of Rome. Under this paramount rule, ministers of the gospel generally, and, in case of necessity, certain laymen, might marry within the District of Assiniboia, without let or hindrance on the part of its Governor and Council;

III. Our local legislature is subject, also, to the provisions of the Company's Charter. Under that document, for instance, judicial functions are vested in the Governor and

Council. Though this fact, according to the analogies of England herself, can hardly prevent the local legislature from erecting petty Courts, differently constituted, yet it would certainly prevent that body from constituting the supreme tribunal on different principles.

IV. Our local legislature, farther has no right to control any one of the Company's chartered powers, whether territorial, or commercial, or political, within the district, unless it shall have been expressly invested with such right by the Company itself. Excepting with regard to custom-duties, in short, the Company is entitled to be considered as extra-territorial. While the Company's mercantile agent was Governor of Assiniboia,—more particularly as the Governor-in-chief of Rupert's Land was then generally President of the Council,—the presence of representatives, who had the initiative, if they choose, in all resolutions, might be supposed to be equivalent to the Company's sanction. Now, however, there is not room for any similar inference. Even with respect to custom duties, we have limited the liability to goods entering, or intended to enter, the settlement, as distinguished from the district. The latter as comprising the whole of the accessible frontier of Rupert's Land to the south ought not for fiscal purposes to be practically subject to a legislative body from which the rulers of Rupert's Land have divided themselves;

V. In addition to all the general restraints our local legislature lies under two special restrictions:

First. The Indian tribes do not stand on the same footing as British Subjects. Our local legislature, for instance, does not appear to be competent to regulate their right of cutting hay for themselves beyond the two-mile line, being the boundary of the ceded lands, and accordingly in 1847, Mr. Governor Christie's proclamation as to the date of beginning to cut hay, was understood not to extend to the members of Indian tribes:

Secondly. The embodied pensioners, to whom has been committed the protection of the Settlement, are partly soldiers and partly citizens. How far they are citizens, and how far they are soldiers, we do not presume to decide; but clearly, so far as they are soldiers at all, they live under a law of their own, with which our local legislature has nothing to do;

VI. Even when not fettered by any of these five considerations, our local legislature, according to

the very terms of the charter, is morally bound to follow the spirit of the laws of England for the time being. On the subject, for instance, of insolvent debtors, our local legislature, if it interfere at all, ought to recognize and adopt the principle that poverty, unless fraudulent, is no longer a crime. Sometimes, too, our local legislature may be required to imitate the laws of England, not as existing at home, but as applicable to colonies in general. In England, for instance, the national prelates have a certain jurisdiction over both the persons and the estates of laymen of all denominations. But in England's dependencies, even in such of them as, under positive provisions to that effect, have, in some respects, received the national church as a dominant establishment, the colonial prelates have no jurisdiction but over their own clergymen, as such, and over them alone. On this ground, marriage-licences, as affecting the laity, ought to be issued only by the civil authorities or at least under the sanction of the same. Now, our rules on the subject are by no means satisfactory. The local regulation of 19th June, 1844, did not vest in the governor any new powers; it merely provided that marriage-licences, instead of continuing to be given as a favor, should be sold as a right. On 22nd January, 1850, this local regulation was rescinded, but merely rescinded by a resolution which professed, in its preamble, to have been framed in consequence of the arrival of the Bishop of Rupert's Land. Without conferring any authority, or imposing any duty on His Lordship, this second enactment restored the head of the executive to his original position of being entitled, but perhaps not bound, to issue marriage licences. We have, therefore, suggested the revival of the provision of 1844, saving, at the same time, the rights, whatever they may be, of any and every ecclesiastical person in the premises.

The natural guardian of all these restrictions is the Governor of Assiniboia. In default of a subsequent prerogative of approval or rejection that functionary, as already hinted, possesses the preliminary option of putting, or not putting, any and every question. Now, this almost despotic privilege, however cautiously it ought to be administered in affairs of merely probable expediency, involves a serious and weighty obligation in matters of constitutional principle. In consideration of this heavy responsibility of the President of the Council, we have recommended that, unless the votes are unanimous to the

contrary, every measure shall be thrice read, on different days, —a delay which would, further, afford a better opportunity for ascertaining whether any proposal might be both necessary, and also sufficient, in law, to meet the end in view.

In conclusion, we subjoin our draft of the revised code of municipal regulations, the whole, of course, respectfully submitted.

GENERAL PROVISIONS.

I. All local enactments, when not expressly extended farther, shall apply only to that part of the District of Assiniboia which forms Red River Settlement and its environs.

II. Fines and forfeitures, when not otherwise appropriated, shall go to the public fund.

III. Every regulation shall be interpreted without regard to the distinctions of gender or number.

IV. If any person, in any way, encourage any violation of any local enactment, he shall be held to be as guilty as the principal offender.

V. Unless a special regulation provide to the contrary, every wrong has its remedy under the general law of the country.

1. All local regulations, that were on record on 30th April, 1851, are repealed.

Fires.

2. If any hay-stack in the open plain shall be injured by a running fire, the owner shall not recover damages unless such hay-stack has been protected, at a distance of at least thirty yards, by a ploughed belt of at least four feet wide.

3. If, between thirty first May and————, any person shall kindle a fire intended to run, he shall be fined ten pounds, one half to go to the prosecutor,—Provided that the bench may remit the whole fine, if the defendant has both kindled the fire through necessity, and has done all in his power to prevent it from spreading.

4. If any fire in the open air, which is not intended to run, shall be left burning without due precautions, or be negligently allowed to spread, every person, who may have kindled or fed or used the same, shall be fined from five shillings to fifty shillings.

Animals.

5. If any cattle trespass on enclosed ground, the damages shall be equally divided among all the trespassers, which may, moreover, be kept in pledge till security be given for the payment of such damages, at the cost to the owners of sixpence a day each,—Provided that no part of the damages shall fall on any animal which can be proved to have effected an entry through an open gate, or through fencing of less than average strength or height or closeness.

6. If any stallion, rising two years old or upwards, be found at large, the owner shall be fined twenty shillings; and the animal himself may be kept in pledge, till security for payment be given, at the rate of sixpence a day.

7. If any ram be found at large, between 30th June and 1st November, such ram may be detained by any person, till the owner pay him ten shillings, for his own use.

8. If, between 31st March and 1st November, any pig be found at large, the owner shall be answerable for all such injury done by pigs, as his pig, with reference to time and place, could possibly have occasioned unless he can trace such injury to some other pig or pigs in particular.

Horse taking.

9. If any person take another's horse, to ride or drive, without consent, he shall be fined one pound, and shall forfeit all such equipments, of any description as he may have used in such riding or driving.

Hay.

10. If any settler cut hay behind the two-mile line before 20th July he shall forfeit the same, or the value thereof.

11. Any exclusive privilege of cutting hay between the two-mile line and the four-mile line, shall be forfeited for the season, as soon as the party entitled shall cut hay beyond the four-mile line; and, at all events, all such exclusive privileges shall be thrown open to all after the 31st August.

12. If any settler trespass wilfully on another's hay ground, he shall forfeit the proceeds, whether in kind or in value, for the benefit and satisfaction of the party injured, without receiving any allowance for his labour; but if he tres-

pass in ignorance, he shall still forfeit as before, though not without compensation for his time.

Roads, &c.

13. The main highway shall be two chains wide.

14. Any other actual thoroughfare may be repaired or improved as a public path, but not till all the parties interested in the soil shall have consented to leave unoccupied, from time to time, one uniform breadth, so as to provide against the encroachments of the river, or any other similar influences.

15. Any person who may dig a hole through the entire thickness of the ice, or through any portion of such thickness, shall, from time to time, mark the same, at the point nearest to the actual track, with a pole at least six feet high, being otherwise liable to make good all the injury which such pole might have been expected to prevent.

16. On 1st June in each year, the Governor of Assiniboia shall appoint three road inspectors for every section of four miles, more or less, on the entire length of the main highway.

Library.

17. The Red River Library shall be a body corporate; and it shall have charge of the books, &c., which were bequeathed to the Settlement by the late Mr. Peter Fidler.

Distillation.

18. If, without the Hudson's Bay Company's authority any person distil, or attempt to distil, native spirits, or own, or possess, either such spirits, or any vessel, or materials, prepared or intended for the manufacture thereof, he shall be fined ten pounds, and shall forfeit all such materials or vessels or spirits.

The Intoxicating of Indians.

19. If any person, without distinction of race, supply any reputed Indian, or any member of an Indian nation, with the means of intoxication, he shall be fined as follows:—

Two pounds for furnishing any brewing utensils;

Three pounds for furnishing malt;

Five pounds for furnishing fermented liquors;

Ten pounds for furnishing any other immediate cause of intoxication than fermented liquors.

20. In addition to these fines, the offender shall make restitution to the Indian of all the equivalent which he may have received, if any, for such furnishing,—every part of such equivalent, not being money itself, being valued, for this purpose, at prime cost.

21. If an intoxicated Indian commit, or threaten to commit, any unprovoked violence, he may be imprisoned, in addition to any specific punishment, till he prosecute the person who may have been guilty in the matter.

22. If any person possess, or have possessed, malt or beer or spirits, or any other of the above specified means of intoxacation, in the society or tent of any Indian, he shall be held guilty of furnishing such means of intoxication to Indians.

Custom Duties.

23. Everything, which may enter the Settlement, or which, after entering the country to the address of any settler, may be diverted from its proper destination, shall pay *four per cent* on the prime cost:

Excepting

I. The produce of the chace;

II. Whole packages passing through the Settlement according to their original destination;

III. Personal baggage, comprising everything but articles of consumption, which may arrive in the country, for the owner's own use, in the same season as the owner himself.

IV. Live stock;

V. Books, maps, plates, prints, philosophical apparatus, &c.;

VI. Stoves;

VII. Anything intended for the improvement of agriculture, or of manufactures;

VIII. Canvas, ropes, tar, and other naval stores, unavoidably brought into use for the importer's own boats, on their upward voyage.

IX. Packages employed as such.

24. The want of an invoice if unavoidable, shall be supplied by the oath of the importer as to the value of the goods;

but such want, if not unavoidable, shall be supplied by the estimate of three persons to be named by the collector.

Police.

25. Efficient householders, not exceeding fifteen in number, shall be appointed constables on—September in every year, then taking the following oath: "I swear by God, as I shall answer to God at the great day of Judgment, that I shall, till lawfully discharged from my office of constable for the District of Assiniboia, be always ready. at all hazards, to serve and execute all legal writs, and to maintain the peace and security of the said district against all enemies and disturbers of such peace or such security, and that I shall to the utmost of my ability, obey all laws and all lawful authorities within and for the said district, and induce all others to obey the same,—and that I shall do my best to become acquainted with the regulations of the Governor and Council of the said district."

26. For any neglect of duty, any constable may be suspended by any magistrate or petty court, or may be dismissed by the general court.

27. Each constable shall receive twelve pounds a year, excepting that, if dismissed for neglect of duty, or pronounced after the close of his year, to have been deservedly suspended, he shall receive only three shillings and sixpence for every day of actual service.

Intestate Estates.

28. When any person has died without a written will, no individual shall intermeddle with the property till he has received letters of administration from the Governor of Assiniboia.

Marriage Licences.

29. On payment of one pounds a marriage licence shall be issued by the Governor of Assiniboia to any applicant who may have sworn before him that neither himself nor his intended consort, is already living in lawful wedlock,—Saving the rights whatever they may be, of any ecclesiastical person in the premises.

Administration of Justice.

30. Dr. Bunn shall be coroner for the District of Assiniboia.

31. Cuthbert Grant, Esq., and Mr. William Ross, shall be sheriffs for the same.

32. Mr. William Ross shall be Governor of the Gaol from 1st June 1851, with a salary of thirty pounds a year.

33. The General Court shall sit for the District of Assiniboia, with a jury, on the Third Thursday of February, of May, of August, and of November.

34. In place of the laws of England of the date of the Hudson's Bay Company's charter, the laws of England of the date of Her Majesty's accession, so far as they may be applicable to the condition of this Colony, shall regulate the proceedings of the General Court, till some higher authority, or this Council itself, shall have expressly provided, either in whole or in part, to the contrary.

35. Petty courts shall sit as follows:—

I. White Horse Plain Section, from Sturgeon Creek upwards, on both sides of the Assiniboine, on the second Monday, of January, of March, of May, of July, of September, and of November, at Mr. Grant's house;

II. Lower Section, from the Upper church downwards, on both sides of the Red River, on the fourth Monday of these same months, at St. Andrew's school;

III. Upper Section, comprising all the rest of the Settlement, on the third Monday of every month, at the Court House; Provided, however, that anyone of these Petty Courts may adjourn itself over seed time and harvest.

36. The petty judges shall be as follows receiving five Pounds a year each:—

I. Mr. Pascal Berland, [1] Mr. Urbain Delorme, and Mr. Joseph Guilbeau, with Mr. Grant as President.

II. Mr. Donald Gunn, Mr. Roderick Sutherland, and Mr. John Inskter, with Dr. Bunn or Mr. Thomas Thomas as President.

III. Mr. Francois Bruneau, Mr. Maximilian Genton, Mr. William McMillan, Mr. William Ross, and Mr. Alban Fidler, with Mr. Black as President.

37. Two petty judges and the president shall form a *quorum,* the president voting only when the others have not decided by a plurality of votes.

[1] i.e. Breland.

38. These petty courts shall take cognizance of all actions of debt, with the exception of questions of revenue, not exceeding five pounds, and also of Provided, however, that, where the debt exceeds five pounds, the losing party may appeal to the General Court, on giving security for costs.

39. In any petty court, the original summons shall run only for its own section of the settlement, but all other writs whatever shall run for the District of Assiniboia.

40. If, in any suit originally brought before the General Court, the bench, after verdict rendered against the defendant, shall unanimously decide that such suit ought to have gone before a petty court, the plaintiff shall, in that case, recover costs only as in such petty court.

41. In any court, either party to a civil action may be made the other's witness.

42. Every writ, including service or execution thereof, within the range of the settlement, shall cost one shilling.

43. In a civil case, the jurors shall receive one shilling each; while all witnesses whatever shall receive two shillings and six pence a day each.

44. Any person, who may be imprisoned in respect of any crime, or of any penalty, shall daily receive one pound of pemmican, and water at discretion; and no person may be imprisoned, or kept in prison, at the suit of any creditor, unless he shall receive, every week, in advance, a daily allowance of four pence from such creditor.

Executive Officer.

45. Mr. William Robert Smith, with a salary of seventy pounds a year, shall discharge all such administrative functions as may not be specially assigned to any other person.

Legislative Proceedings.

46. Unless the votes be unanimous to the contrary, no motion shall be carried without having been twice read, on two different days.

(Signed) ADAM THOM
LOUIS LAFLECHE, Ptre.
JOHN BUNN.

The Bishop of Rupert's Land moved and Mr. Grant seconded, this resolution: That John Black, Esq., the Rev. Louis LaFlèche, and Dr. Bunn, be a committee to audit the accounts, down to the first day of December next.

Carried unanimously.

Major Caldwell read a petition, from Joseph Daniell and others, in favour of a new road by the houses in the lower part of the settlement:

"To the Governor and Council of Assiniboia:

Gentlemen,—

We, the inhabitants of that portion of the lower district of this Colony, situated between St. Andrew's Church and the Water Mill Creek, beg to suggest to your Honours, that the highway, now known as the "King's Road," is inconvenient and injurious to your petitioners.

1st Inconvenient, by being at too great a distance for easy intercommunication. In many places, persons who live at very little distance from each other in a direct line, require to travel some miles before they can go to each other's houses with wheeled vehicles.

2nd We consider the road now used as the public way, extremely inconvenient to professional men, namely to the doctor and parish minister, who are often called upon to visit the sick, and who ought to have the greatest facility of performing their duty, which the present road does not by any means afford.

3rd We would observe that the existing road is full of deep pools of water for a great part of the season, and those places, when in such state, can only be passed at the great risk of travellers being precipitated into the mire, and trodden under their horses' feet, which state can only be remedied by a great outlay of public money, whereas a road near the houses could be made at comparatively little expense, and would answer all, who are concerned, much better than the present. Your petitioners consider the present road injurious from the number of Indians who are continually passing up and down the settlement on it, whose dogs are often devouring our sheep, calves, and pigs, and that, by being at so great a distance, without our being able to protect our property, or even find out the depredators. Were the road passing in the vicinity of the houses, these losses might be prevented, or, if not, in some

cases, the perpetrators would be discovered and made to pay damages.

Believing that the object of all your deliberations is the comfort, prosperity, and protection of those for whom you legislate, we doubt not your favourable consideration of the prayer of our petition."

Dr. Bunn moved, and Mr. Black seconded, this resolution: That the Governor be authorized to grant the prayer of their petition, provisionally, on condition of all and every the parties interested in the land signing a deed to surrender a sufficient breadth on their respective lots. Carried unanimously.

A petition from Louis L'Irlande was read, to the effect that he demanded indemnity for the occupation of his land by the fulling mill:

"A son excellence Major Caldwell,
Gouverneur d'Assiniboia.

Monsieur le Gouverneur,—

J'ai l'honneur de porter à la connaissance de votre excellence les motifs sur lesquels est fondée ma plainte en la non-exécution du contrat fait avec moi par le conseil colonial à sujet du moulin à fouler.

Il me fut promis par M. Ballenden que la compagnie n'achêteroit des habitants aucune etoffe qui ne seroit point foulée, ce qui auroit tenu le moulin en activité.

Après un an de libre pratique, d'après le relevé des recettes et dépenses fourni par moi, on devait contracter pour le louage à la rente du moulin, aucune de ces choses n'a été remplie par l'administration coloniale.

Le moulin se trouve placé sur ma propriété et ne me rapportant rien je crois avoir droit à l'indemnité du terrain occupé. De plus, comptant sur les promesses qui m'avaient été faites, et que j'ai indiquées plus haut, et voulant rester fidèle à ma parole de me tenir continuellement à la disposition du public qui voudrait user du moulin, pendant un an je me suis interdit toute absence et frusté de certains bénéfices d'occurrence, ce qui est devenu pour moi un préjudice, et semble me donner droit à une indemnité, attendu que mon industrie ne m'a rien apporté pour que la promesse de M. Ballenden n'a point été remplie.

Je prie son excellence de prêter l'oreille à ma demande, et j'attends qu'elle me fasse connaître sa volonté, si elle désire que le moulin soit utile au public.

J'ai l'honneur d'être,
Monsieur le Gouverneur,
de votre excellence
le très humble et obéissant serviteur,

(signed) L. L'IRLANDE."

Mr. Black moved, and Dr. Bunn seconded, this resolution:

That, as the petition shews no clear ground of claim, this council cannot grant any indemnity, till better reasons, if any such exist, be shewn by the petitioner.

Carried unanimously.

A petition from the Presbyterians was read, to the effect that the acts and registers of the Presbyterian minister be declared to be valid, and that marriage licences may be issued by the Governor, as before.

"To the Governor and Council of Assiniboia.

The petition of the committee of management acting for and on behalf of the Presbyterian community of Red River Humbly sheweth:

That your petitioners are anxious to see the Presbyterian community of this settlement placed on that footing which the laws of the colony may recognize.

That your petitioners pray, that the Governor and Council may be pleased to pass a resolution, if necessary, to the effect that all registers of marriages, baptisms, and funerals, performed by the Rev. Mr. Black, or any other regularly ordained Presbyterian minister settled here, be good and valid in law.

That your petitioners are anxious to know whether the Governor and Council will recognize the right of the Presbyterian community to obtain from the Governor of the colony marriage licences, if required.

That your petitioners beg leave to lay before you the accompanying documents, Nos. 1 and 2, bearing on the subject in question, and pray that the case as now submitted, be taken into consideration at as early a period as may be convenient.

And your petitioners as in duty bound, shall ever pray.

(Signed) A. ROSS,
JOHN FRASER,
JOHN SUTHERLAND,
ALEX. SUTHERLAND,
JOHN MATHESON.

Members of the committee of management.

No. 1. RED RIVER SETTLEMENT, Oct. 8, 1851.

To The Honourable ADAM THOM,
Recorder of Rupert's Land.

Hon. Sir,—Having recently arrived in this Colony with the design of residing for a time within its limits in the capacity of a minister of the Presbyterian Church, I am desirous of ascertaining my legal position, as defined by the laws now existing, and therefore beg hereby to make application to you, as the highest legal authority in the Colony, for information and counsel on that head, in order that being duly advised thereupon, I may take whatever steps and comply with whatever requirements are necessary to give to such of my acts or registers, in the above mentioned capacity, as may have legal bearing, full legal force.

I remain,
Hon. Sir,
Your obedient servant,
(Signed) JOHN BLACK.

No. 2.

To The Reverend JOHN BLACK,
Presbyterian Minister,
Red River Settlement.

RED RIVER SETTLEMENT,
9th Oct. 1851.

Reverend Sir,

I beg to acknowledge the receipt of your letter of yesterday's date, in which you apply to me for information and counsel with respect to your legal position, in your professional capacity, within this colony.

To begin with the most important branch of the inquiry, the Law of England of 2nd May 1670, as introduced into this country by the Hudson's Bay Company's Charter, deems valid

such marriages only as may have been celebrated by a person in holy orders,—an expression which while it altogether excludes Presbyterian ministers, appears to comprise alike the clergy of every episcopal church, whether of England or of Rome or of Scotland or of America. Thus far, therefore, you are not entitled to solemnize marriages.

Nor would the Act of Union seem to have done anything to modify the general system, as just laid down. The fourth section of that statute, in establishing an equality of "rights, privileges and advantages" between the subjects of England and the subjects of Scotland, referred as well to "the said United Kingdom" as to "the Dominions and Plantations thereunto belonging." Independently, therefore, of all other difficulties in the matter, the Scotch rule of marriage could have no better claim to a co-ordinate authority in Virginia or Jamaica, than it could have in York or London, or than the English rule of marriage could have in Edinburgh or Aberdeen. But the enactment in question, even if it had been restricted to the dependencies of the empire, could hardly have embraced this country within its range. The relation, which Rupert's Land bears to the British Isles, is so peculiar as to exempt it, unless named or at least described, from the positive provisions of imperial legislation; while, in this particular instance, it must clearly have been exempted by the special fact that its fundamental law had, for its object, to deprive the subjects of England themselves, and even the very Crown of England, of local "rights, privileges, and advantages." Considering however, that Scotland has been, and still is, the main source of colonial population, she has an equitable right, under the act of union ,to be put, as far as possible, on the same footing as England in every colony.

But the English rule of marriage has not been allowed by our authorities to remain unchanged. In 1848, the Council of Rupert's Land passed a resolution, to the effect that religious teachers in general, and, in case of necessity, certain laymen, might celebrate marriages. Under this regulation, of which, however, I cannot cite the very words, you would, I apprehend, be as competent to act in the premises as the clergy of the Church of Rome or of the Church of England. Still, there might exist an imperfection in the way of evidence. You would, therefore, require to have your register of marriages declared authentic by the only legislature which is at present accessible,—a declaration, by the bye, which, if

extended to your other registers, would at once confer complete validity on your baptisms and burials.

Finally, to offer one remark more on the subject of marriage, our system of licences, unless altered, may produce embarrassment and collision. At present they are, in practice, issued by the Bishop of the Church of England. The precise mode of remedying this evil must be left, I apprehend, to the Governor and Council of Assiniboia.

I have the honour to be,
Reverend Sir,
Your faithful servant,

(Signed) ADAM THOM.

Mr. Black moved, and Dr. Bunn seconded, this resolution: That, in future, any legally ordained Presbyterian minister, labouring in the Settlement, may validly solemnize marriages in the District of Assiniboia; and that all registers of marriages, baptisms, and burials, regularly kept by any legally ordained Presbyterian minister, shall be deemed legal and valid records.

Carried unanimously.

A petition was read from the Trustees of the Presbyterian Church of Frog Plain, for a grant for education. Referred to next meeting.

"To the Governor and Council of Assiniboia

The petition of the Trustees of the Presbyterian Church on Frog Plain

Humbly sheweth:

That a school has existed, for two years, on the glebe of the said church;

That said school, as not being under the patronage of the Bishop of Rupert's Land, does not appear to have been contemplated in the grant of fifty pounds which you gave to His Lordship, in April last, for the purposes of education.

That during the latter part of the interval, the said school has been placed under the auspices of a duly ordained minister;

That, in reliance on his active and enlightened superintendence, your petitioners, and those whom they re-

present, hope to see the said school raised, in some measure to the level of the parochial schools of Scotland;

That, as the improvement of education seems to be more requisite, at least among the Protestants of the settlement, than its mere extension, your petitioners pray, that their minister may receive, from the public fund, a sum proportioned to the fifty pounds, as aforesaid, granted to the Church of England, without prejudice, however, to the recognized equality in the premises between the Protestants as a whole and the Roman Catholics.

And your petitioners shall ever pray.

(Signed) A. ROSS,
JOHN FRASER, and the other trustees of the Presbyterian community.

Red River Settlement,
25th Nov. 1851.

Dr. Bunn moved, and Mr. Grant seconded, this resolution: That the Governor of Assiniboia be authorized to levy twenty shillings on the issue of a marriage licence.

Mr. LaFlèche gave notice of a motion, for next meeting, for a scow on.....river.

Dr. Bunn gave notice that, at next meeting, he would apply for a grant of twenty-five pounds in aid of the agricultural association.

(Signed) W. B. CALDWELL.

A true copy
ADAM THOM.

Council Chamber,
13th July, 1852.

The revised code of municipal regulations, as presented to last meeting, by the committee appointed to frame it, was carried unanimously, the name of "Dr. Cowan" having been

substituted for that of "Mr. Black", in the 36th resolution, and the blanks having been filled up as follow:

3rd resolution —"1st December"
25th " —"1st".
38th " —"All petty offences do not involve any other than a pecuniary penalty of not more than Forty Shillings Sterling," and the word "June" having been changed into the word "January" in the 16th resolution, and "Ten shillings" having been reduced to "Two Shillings and Six Pence" in the 7th resolution.

Dr. Bunn moved and Mr. La Flèche seconded this resolution:

That fifteen pounds be granted to the Rev. John Black of Frog Plain for the purposes of education, in accordance with the petition of the committee of his congregation.

Carried unanimously.

Petition from the agricultural association to lie over.

Mr. La Flèche gave notice that, at next meeting, he will move for an additional grant, to the Bishop of St. Boniface, of fifteen pounds for education, in consideration of the additional fifteen pounds now granted for the education of the English population.

(Signed) W. B. CALDWELL.

A true copy
ADAM THOM.

Council Chamber,
9th December, 1852.

Major Caldwell made a general statement of the municipal finances, shewing that the funds and expenses down to this date, pretty nearly balanced each other.

Dr. Bunn moved, and the Bishop of Rupert's Land seconded, that twenty five pounds be granted in aid of the Agricultural Association.

For	Against
Bishop of Rupert's Land	Bishop of St. Boniface
Dr. Bunn	Mr. Bird
	Mr. LaFlèche
	Mr. Grant
	Mr. Cockran

Rejected.

28159—25½

Mr. LaFlèche moved, and Dr. Bunn seconded, That fifteen pounds be granted to the Bishop of St. Boniface for the purposes of education.

For	Against
Bishop of St. Boniface	Bishop of Rupert's Land
Mr. LaFlèche	Mr. Bird
Mr. Grant	Mr. Cockran
Dr. Bunn	

Carried.

Mr. LaFlèche moved, and the Bishop of St. Boniface seconded, That Mr. William Dease and Mr. Louis Bousquet be appointed judges of the petty court of the Upper District.

Carried unanimously.

Dr. Bunn was authorized to procure a room for the petty court of the Lower District, as near as possible to the St. Andrew's church.

Major Caldwell read a letter from Louis Rielle proposing to buy the fulling mill and its building all but the iron fuller:

" To the Governor and Councillors of Assiniboia.

Gentlemen,

" Your fulling mill has not been employed once since five " years, and as there is no appearance of more encouragement " for the future, I take the liberty of addressing you this note, " to know if you would sell it out. As I am about to build a " water mill on the River La Seine, that building would suit " me well to that purpose, and I would make the acquisition of " it, excepting the iron fuller, which would be of no use to me, " and is the piece of greater value. If you would let me know " on what conditions you would sell it, it would oblige very " much your most obedient servant,

(Signed) LOUIS RIELLE."

Dr. Bunn moved, and Mr. LaFlèche seconded, That the Bishop of St. Boniface Mr. LaFlèche, and Dr. Bunn, be appointed a committee to sell the building alone to the applicant, and to make any arrangement short of sale with respect to the fulling mill itself.

Carried unanimously.

Major Caldwell gave notice that, at next meeting, he would bring before the council a proposal with respect to any property that may be stranded by a flood.

Mr. Cochran gave notice of a motion that a sum of £100 be granted for the relief of the sufferers by the late flood, and more particularly for the purchase of seed corn.

Mr. LaFlèche gave notice of a motion that some measure ought to be adopted for preventing secret sales of land to the injury of creditors.

(Signed) W. B. CALDWELL.

A true copy
ADAM THOM.

Council Chamber,
29th March, 1853.

Major Caldwell swore in as Councillors the following gentlemen, according to instructions received from the Honourable Committee of the Hudson's Bay Company,—Dr. Cowan, Mr. Bruneau, Mr. William Ross, Mr. Robert McBeath, Mr. Thomas Thomas, and Mr. Thomas Sinclair. Major Caldwell read an extract from the despatch of the Honourable Committee, disapproving of the grants for education, as being a misapplication of the public fund.

Dr. Bunn reported, on behalf of the committee appointed with respect to the fulling mill, that Mr. Louis Rielle is willing to give fifteen pounds for everything but the mill itself, on condition of getting credit till December on his own personal security.

It was ordered that Mr. LaFlèche should communicate with Mr. Rielle to the following effect, that he shall receive one pound for removing the unsold part of the property, being the mill itself, and shall find, for the remaining fourteen pounds, such surety or sureties as may be satisfactory to Mr. LaFlèche.

Mr. LaFlèche moved, and Mr. Cockran seconded, this resolution:

That for the future, no immoveable property shall be sold without intimation made or posted previously, on two successive Sundays, at the door of every church in the Settlement, —and that in case the sale may have been effected without this intimation, the buyer shall be responsible for the debts of

the seller to the amount of the true value of the immovable property.

Carried unanimously.

Major Caldwell read an offer from Mr. Buchanan, the Company's mercantile representative, to the effect, that he is ready to advance, in the guarantee of the Governor and Council seven hundred bushels of wheat for seed to be repaid in kind on or before 1st April, 1854 or, in the single event of "a general failure of the wheat crop of the coming season" on or before 1st April, 1855.

Mr. Cochran moved, and Dr. Bunn seconded, That Mr. Buchanan's liberal and kindly offer be accepted, with the cordial thanks of the Governor and Council on behalf of the destitute sufferers from the late flood.

Dr. Bunn moved, and Dr. Cowan seconded, That Mr. LaFlèche be authorized to dispose of the exclusive right of ferrying for hire, within a distance of a quarter of a mile above or below the point, on the most equitable terms,—and that any other person, ferrying for hire within those limits, shall incur a penalty of two shillings and sixpence for each violation of the law, in addition to costs.

Carried unanimously.

Major Caldwell presented the following petition, from Mr. Narcisse Marion and others:

"A Son Excellence le Gouverneur

A M. M. Les Conseiliers d'Assiniboia.

1. Considerent que dans les differentes colonies Anglaises il est Publier regulierement chaque année un Etast des revenus et depence Publique.

2. Et considerent de plus que dans cette collonie on a encore jamais Publier un Pareil Etat des revenus et despence Publique, Nous, soussignée prenons la liberté de nous adresser a vous pour vous de mander qu'il vous plaise de faire Publier annuellement un Exposer des revenues et des depence de la Collonie. Nous vous adressons cette de mande avec confiance parceque nous la croyon juste et L'Egitime et que nous avons la la conviction que votre honorable Conseil ne re fusera poin de serendre auvue general de la population.

Rivier Rouge
22 Mars, 1853."

Dr. Bunn moved and Mr. Bruneau seconded, That Dr. Cowan, Mr. Thomas, and Mr. Ross be auditors of the public accounts, and that they publish the same on the second Sunday of June.

Carried unanimously.

Major Caldwell read the following letter from William Tait Junior

"To Major Cadlwell
Governor. Red River Settl.
28th March, 1853.

Sir,

As you were good enough to say that you would lay my claim as to the Seven Oaks Bridge before the council tomorrow, I now state it in a general way, hoping that the councillors and yourself, if you can do nothing more at present, will at least direct some particular inquiry into the merits of my case.

According to my contract, I was bound to finish the job in the fall of 1851. If the Settlement had enabled me to do so, the flood, when it came, would have found my work completed. But the wood, as I repeatedly explained to you, did not come in time. In truth, the last raft was beset with ice before it was taken out of the water. In consequence of this delay, the building of the bridge was unavoidably put off, as I then mentioned to you, till the spring.

Even if the loss of time had been my fault, I do not admit that I ought to have been made responsible for an act of God, which besides carrying away all the public bridges in the same neighbourhood, carried away so much of the property of the most provident individuals. But the loss of time was not my fault, and I cannot suppose that, after being disappointed as I was, I was also to be responsible for a misfortune, which, in the calculating of my terms, could not possibly have entered into my mind. As a proof of my moderation and carefulness, I may add, here, that my offer for each of the other two bridges that I undertook the same season, was precisely, as I understood, the same as the estimate on the subject.

As I should be sorry to take advantage of a public calamity, I do not wish for anything more than what I have actually spent, without reckoning my own trouble and attention. This would amount to £7. 17. 4.

Hauling 212 pieces at 6d. £5. 6. 0.
Sawing 77 pieces at 8d. 2. 11. 4.

— — —

£7. 17. 4.

,— — —

The money was ordered to be paid.

Dr. Bunn gave notice of a motion to the effect, that the property of a debtor may be arrested in the hands of a third person.

Dr. Bunn gave notice of a motion to the effect, that the law ought to be declared as to what amounts to leaving the country on the part of a debtor.

(Signed) W. B. CALDWELL.

A true copy
ADAM THOM.

Council Chamber,
18th October, 1853.

Mr. LaFlèche reported on the subject of the fulling mill, and also with respect to the ferry—resigning, at the same time, all charge of the ferry.

Dr. Bunn moved, and Mr. Cockran seconded, That, for the prevention of fraud, and also securing against the evasion of just claims, upon legal and satisfactory evidence being given, that a debtor is about, with a fraudulent intent, to remove from the jurisdiction of the settlement, any member of the General Court may issue an attachment against any moneys or incomes belonging to such debtor, wherever placed, or whencesoever derived,—as security against evasion of any claim so substantiated.

That, to establish uniformity in practice and principle in all courts in issuing warrants, a person entering as a contract servant in the service of the Hudson's Bay Company, and removing from the settlement, shall be held as leaving the country.

Mr. Black moved, and Mr. Ross seconded, the amendment:—That the proposed measures be referred to the next meeting of Council.

Carried unanimously.

Dr. Cowan moved, and the Bishop seconded, That, meanwhile, a substantive resolution be framed, for the consideration of the Council, by the following gentlemen, acting as a Committee,—Dr. Bunn, Mr. Black, Mr. Ross, Mr. Bruneau, and Dr. Cowan.

Carried unanimously.

Mr. Black moved, and Mr. Cockran seconded, That Dr. Cowan, Mr. Grant, Mr. Sinclair, Mr. Bruneau, and Mr. Ross, be a Board of Works for the management of Roads and Bridges.

Carried unanimously.

Dr. Bunn moved, and Mr. LaFlèche seconded, That no money be granted, unless on a report and application of the said Board.

Carried unanimously.

Mr. LaFlèche moved, and Dr. Bunn seconded, That Dr. Cowan, Mr. Bruneau, Mr. Maximilien Genton, Mr. J. Bte. Lépine, Mr. Solomon Hamelin, Mr. Michel Dumas, Mr. Narcisse Marion, and Mr. Jean Venis, be authorized to trace a road, of one chain in breadth, subject to the obligation of removing the side fences in winter, on the west side of Red River, from the Assiniboine to the *Pointe Coupée* [*?*]—and that the road so traced be legalized,—the whole to be approved by the Board of Works.

Carried unanimously.

Mr. LaFlèche moved, and Mr. Bruneau seconded, That a premium of three shillings and sixpence be paid for the head of every wolf killed within twenty miles of the settlement, such head to be delivered to some one of the following gentlemen:

District of White Horse Plains—Joseph Guilbault; Upper Part of Red River—Maximilien Genton and Mr. Bruneau; Lower Part of Red River—Mr. McBeath and Mr. Sinclair; Sturgeon Creek District—Mr. James Isbister.

Carried unanimously.

A petition was presented from Mr. Smith, as Collector of Custom-Duties:

" To the Governor and Council
of Assiniboia assembled.

Gentlemen,—

May I beg a few moments of your time to advise me how to act under the following circumstances, connected with the

proper discharge of my duties as the Collector of Custom Dues?

First. As we have no official correspondence with the American agents who supply merchandise to the Settlers of this Colony, it becomes almost impossible for the Collector to know who imports goods from the United States via Pembina. The Collector humbly suggests, That Your Honourable Council will take it into your consideration, The propriety of passing a Law to the effect, That all importers from the United States shall, within a limited period after the arrival of their merchandise, and before breaking bulk, produce their invoices to the Collector.

Second. Whereas a number of persons have settled at Portage des Prairies, who import merchandise from Europe, and may also from the U. S. of America, Is the Collector to consider the above place in the District of Assiniboia and to demand Custom-Duties on the importations? If so, the Collector begs the Council to consider the great distance, and cause an act of Council to be passed that all merchandise imported above a certain distance beyond the Forks of the Red River be settled with the Collector before leaving the Upper Court House, and before breaking bulk.

Third. Seeing that [through] the negligence of some, and the inability of others, during the past year, great loss of time was sustained by the Collector, and upwards of £1200 worth of property which ought to have been paid for, was not, and as this neglect may ultimately lead to serious consequences and litigation, the Collector prays that an Act may be passed that all Custom-Dues shall be settled on or before the first day of April, and that all Fines and Forfeitures not later than the last Court Day in May.

Fourth. Whether clergymen, with the Inhabitants of Indian Missions situated in the District of Assiniboia, are exempt from Custom-Duty?

Lastly. Whether materials imported (expressly for the building of Churches and Chapels, or any place intended for Divine Service) such as Bells, Glass, Nails, Paint, Putty, Oil, Sheet Iron, and other necessaries whether for embellishment or service of said edifices are exempt from Custom-Duties?

Answers to the foregoing will greatly oblige,

Gentlemen,

Your most obedient servant,

(Signed) W. R. SMITH."

Dr. Bunn moved, and Mr. Cockran seconded, That Church-Bells be exempted from Duty.

(Signed) W. B. CALDWELL.

A true copy
ADAM THOM.

Council Chamber,
8th Decr., 1853.

Dr. Bunn read the report of the Arrestment Committee:

"The Committee appointed by the last Council for considering the questions regarding the definition of a leaving of the Country by a debtor, and the introduction of a law for enabling creditors to arrest funds belonging to their debtors in the hands of third parties, beg leave to recommend the following resolutions to the adoption of the Council:—

1st. That, besides the obvious legal construction to be put upon the movements of a person proceeding to a foreign Country without shewing grounds for expecting his return within the same season of his departure, it be, and hereby is, enacted, that any person about to leave the settlement for a period of one year or upwards for a part of this country over which the civil jurisdiction of the Courts of the Settlement does [not] extend shall be held to be leaving the country.

2nd. That any of his creditors, to the extent of not less than £20, may, on making oath before a Justice of the Peace to the correctness of the debt, and to the fact of his belief in his debtor's intention to leave the country, according to either of the above definitions, compel him either to give security for his appearance at the then next ensuing court, or, failing that, apprehend and detain his person in the settlement till then.

3rd. But from the operation of this law, every debtor shall be exempt whose agreement to leave the country for a certain period, as an engaged servant of the Company or others, has been entered into and published by the exhibition of his name in the Company's office at Fort Garry, at least four days prior to the sitting of the last competent court preceding the date of his intended departure, provided, however, that, in no case, shall such exemption be construed to extend to persons contemplating an unlimited period of absence from the settlement, either in a foreign country, or in a part of this country beyond

the limits of the jurisdiction of the courts of the settlement; and provided, also, that no debtor, whose name has been so published, unless he be in contemplation of an unlimited absence from the settlement, shall, in any case whatever, be liable to be detained for debts contracted with third parties after the date of his agreement and publication.

4th. That, in the case of a debtor who has left the country as above defined, having property in the settlement, such property, or as much of the same as may be deemed equal to the amount of the claim, shall, at the discretion of any two justices be liable, on the sworn application of a creditor, to be attached in the hands of any third party, and that, failing the debtor's appearance before the said justices, after summons by proclamation, for three successive Sundays, on two of the Protestant, and two of the Catholic Church doors, the competent court may proceed to execute justice in the matter according to their discretion, provided, however, that no such attachment shall be issuable against the property of a person who, altho' absent, can be proved to have publicly notified his intention of departure for two days previous to the date of the same. After mature consideration, the committee do not feel that, in the circumstances of this settlement, and under the somewhat peculiar relations of debtor and creditor as it generally exists here, they can prudently recommend to the Council the passing of any law for giving creditors any greater additional facilities for the recovery of their debts than the foregoing enactments would confer. "

Submitted to the Governor & Council of Assiniboia,

By JOHN BUNN (Signed)
Conv. of Committee."

Red River
8th Decr., 1853.
First resolution carried unanimously
Second resolution carried unanimously
Third resolution carried unanimously
Fourth resolution carried unanimously.

On behalf of the Board of Works, Dr. Cowan presented a minute on the subject of roads and bridges:

"NOTICE.

The Board of Public Works respectfully announce to the Public that "Proposals" will be received by each mem-

ber till the first Monday of December next, to be presented for consideration at their next meeting, "For furnishing materials and constructing bridges at the several places designated, according to a specified plan; and that said bridges be completed and delivered on or before the last day of October next, viz:

One bridge behind Mr. Js. Sinclair
One " " Bp. Rupert's Land.
One " " John Inkster
One " " Boyer
One " " André Carriere
One " " Sturgeon Creek, 210 feet.
One Faggot bridge Rivière la Seine, 100 yds.
One " " Ayotte Denord, 100 yds.
One " " Frog Plain.
One bridge at Porters' Creek.
Two temporary bridges W. H. P. District.

Also "Proposals" will be received for furnishing materials and constructing a Ferry boat on the same plan and size as those at the Forks, to be completed and delivered at Stinking River, on or before the last day of June next.

Also "Proposals" will be received for furnishing and delivering at the Lower Water Mill Creek this ensuing spring, viz:

200 Bushels Lime
4 Cords Quarried Stone
50 Ps Oak Sqd. two sides 8 inches thick.

That plans and specifications will be shown to any person, on application to the members.

That, in all cases, contracts shall be given to the lowest and best responsible bidders.

For any further particulars, apply to Dr. Cowan or William Ross.

By Order."

Dr. Cowan then made application for three hundred pounds in connection with these objects.

Dr. Bunn moved, and Mr. Black seconded That three hundred pounds be granted,

Carried unanimously.

On behalf of the Road-tracing Committee, Dr. Cowan presented a report:

"To the Honble. The Governor & Council of Assiniboia:

Agreeable to a resolution passed at the last meeting of Council, Wherein certain gentlemen were named to survey a road, on the West side of the Red River, from the Forks upwards to Pointe Coupée, I have the honour to intimate that said road has been opened and surveyed, one chain in width, up to the Stinking River.

I herewith subjoin the cost of said survey, praying that the Council may order payment to be made.

1853. Novr. 4. Dr. Cowan....2 days at 5/ p. day.	£0.	10. 0
Narcisse Marion " " "	0.	10. 0
Maximilien Genton " " "	0.	10. 0
Solomon Hamelin " " "	0.	10. 0
Michel Dumas " " "	0.	10. 0
Francois Bruneau " " "	0.	10. 0
Baptiste Le Pine (?) " "	0.	10. 0
Joseph Charette " " "	0.	10. 0
To supplies from.. .. ..as per ac.	0.	15. 9
One horse and cart 2 days at 2/6 a day...	0.	5. 0
	5.	0. 9
Mr. Grant's two men 1 day	0.	10. 0
	£5.	10. 9

Red River Settlement
Nov. 19th., 1853.

(Signed) WILLIAM COWAN."

Adopted unanimously.

Major Caldwell read a petition from the Presbyterian Church of Frog Plain:

" To the Governer and Council of the District of Assiniboia
The Petition of
The Presbyterian congregation of Frog Plain
Humbly sheweth

That your petitioners have unanimously adopted the following constitution:

1. The Presbyterian congregation of Frog Plain holds the same standards of Doctrine, Worship, and Government as the Free Church of Scotland.

2. Any difference of opinion with respect to the true interpretation of the said standards shall be referred, for final decision, to the General Assembly of the said Free Church.

3. Any person's claim to be hereafter recognized as a member of his congregation shall be decided by the Kirk Session, Provided that every successful claimant must farther sign this constitution as a formal acceptance of such recognition.

4. This congregation holds, exclusively for ecclesiastical and educational purposes, the presbyterian lot on Frog Plain, and all the buildings that now are, or may hereafter be, thereon, excepting that the existing schoolroom shall still belong to its original owners, and excepting also, that sittings in the place of worship may be possessed as individual property by members of the congregation, whether male or female, or by minors, or by representatives of deceased or absent members, but by no other person or persons whatever.

5. If any member, from any cause whatever, shall cease to be recognized as such, or if any minor, on coming of age, shall not be so recognized, then in either case, his or her sittings shall immediately revert to the congregation without purchase; Provided that, during the next ensuing six months, he or she may dispose of the same to some member or members thereof, but to no other person or persons whatever.

6. The governing body in all matters temporal shall consist of all such male members of full age, as may possess sittings as aforesaid, and of no other person or persons whatever.

7. All sittings, whether in whole or in broken pews, shall confer an influence at the rate of one vote for one pew of the smaller size. Provided that no person shall have more than three votes.

8. No public meeting shall have effect, unless it shall have been called at least fourteen days before by the Kirk Session or Deacon's Court, or, in the case of their non-existence or refusal to act in the matter, then by a majority of all the voters in the congregation, nor shall any resolution of any public meeting have any effect, unless the question involved shall have been expressly stated in the notice thereof.

9. For carrying this constitution into effect, no motion shall be carried, unless by a majority both of the voters at the meeting and also of their votes.

10. For annulling or modifying this constitution, no motion shall be carried, unless by at least four-fifths of all the voters in the congregation, and also of all their votes.

11. Any difference of opinion with respect to the true meaning of this constitution, or of any part thereof, excepting

as already provided in the second article, shall be decided as if it were a question under article tenth.

12. At every meeting of every kind, the minister, or, in his absence, the senior elder present, and no other person whatever, shall be chairman—Provided that in the case of neither minister nor elder being present, then a chairman shall be named by a majority of all the voters at the meeting; and any chairman, besides being reckoned in every respect precisely as if he were not in the chair, may claim to be farther reckoned both as one vote, and as one voter, in order to complete, if necessary, the requisite majorities under the ninth article.

And

That, as your petitioners are not of themselves altogether competent to bind their successors to the extent required, they pray of you to ratify the foregoing constitution, and likewise to declare them to be a body corporate.

And your petitioners shall ever pray

(Signed)

John Black, Minister,
Alexander Ross, Elder,
Alexander Polson, Elder,
Thomas Fraser, Elder,
George Munro, Elder,
Donald Matheson, Elder,
John Sutherland, Elder,
Hugh Matheson,
John McBeath,
John Flett,
Alexander Sutherland,
Alexander Matheson, Senior,
John Sutherland,
John Gunn,
Angus Matheson,
John Matheson,
John Fraser,
Alexander Bannerman,
John Sutherland,
Angus Polson,
John Matheson,
Samuel Henderson,
Hugh Matheson,
Wm. McDonald,
Neil Campbell,
Angus Henderson,
George Sutherland,
Angus Morrison,
Selkirk McKay,
Rich. Salter,
Morrison McBeath,
John Moir,
Wm. Henderson,
Donald Polson,
John McBeath,
Malcolm Patteson,
Geo. Bannerman,
Don. McDonald,
John McKay,
Alex Munro,
Alexander Gunn,
Wm. Polson,
John Flett,
Samuel Matheson,
David Flett,
Morr. McBeath,

Hugh Polson,
Angus Matheson,
Robert McBeath,
John Polson,
Hugh Matheson,
Rodk. McBeath,
William Gunn,
James McKay,
Dond. Bannerman,
Robert Sutherland,
Alexander McBeath,
Robert Munro,
George Gunn,
John Clouston,
Duncan McRea
John Forster (?)
Donald Gunn Senr.,
Donald Gunn,
James Flett,
Wm. Bannerman,
Wm. Fraser,
John Auld,
Angus McBeath,
George Flett,
John Pritchard,
A. Matheson, Jr.,
Adam McBeath,
Wm. Ross,
John Gunn, Jr.
John McDonald, Senr.,
Don. McDonald, Jr.,
Alex. Gunn,
Donald McLeod,
Don. McKenzie,

Dec. 6th, 1853."

Mr. McBeath moved, and Mr. Ross seconded, That the prayer of the petition be granted.

Dr. Bunn moved, and Mr. Cochran seconded, the amendment:

That the petition be referred to the Governor and Committee of the Honourable Company, by the Governor of Assiboia.

For

Dr. Cowan,
Mr. Sinclair,
Mr. Grant,
Mr. Thomas,
Mr. Black,
Mr. Bruneau.

Against

Mr. Ross,
Mr. McBeath.

Amendment carried.

(Signed) W. B. CALDWELL.

One word interlined.
A true copy.
ADAM THOM.

28159—26

A Meeting of the Governor and Council of Assiniboia, held at the Court House on Thursday the 22nd June, one thousand eight hundred and fifty four.

Major Caldwell, after taking the chair, commenced the business of the meeting by reading the following extracts from a letter[1] "to Major Caldwell, Governor of Assiniboia", from the Governor and Committee of the Honble. The Hudson's Bay Company.

Extract 1st.

"The Governor and Committee note your wish for the "appointment of a good surveyor, and have directed Sir "George Simpson to look out for a suitable person in Canada, "but it is doubtful whether he will succeed in obtaining one "this season.

Extract 2nd.

"I am also directed to inform you, with reference to the "petition of the Presbyterian congregation of Red River, "that neither the Governor and Council of Assiniboia, nor "the Governor and Committee of the Hudson's Bay Company "have the power of incorporating any body of men, for any "purpose whatever. The property held by the Presbyterian "congregation must therefore, be vested in trustees, as it "is at present, and you will be pleased to communicate this "to the parties interested.

Extract 3rd.

"Mr. F. G. Johnson, Q.C. of the Montreal Bar, who has "been appointed Recorder of Rupert's Land, Assessor and "Legal Adviser to the Governor of Assiniboia, and to the "Company, will proceed, by the spring canoes, to Red River, "and will assume the Law Library now in possession of Mr. "Thom.

A motion was made by Doctor Cowan, and seconded by the Very Reverend W. Cochrane, that the present number of constables be reduced to nine.

After which the meeting was adjourned.

A true copy.

W. R. Smith, E.O..[2]

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[1] For full letter see Imperial H. of C. Blue Book on H. B. Co., 1857, p. 437.

[2] Executive Officer.

A meeting of the Governor and Council of Assiniboia, held at the Court House on Thursday the 3rd of August, one thousand eight hundred and fifty-four.

Doctor Cowan's motion that the constables be reduced to nine was carried unanimously.

It was moved by the Lord Bishop of Rupert's Land, and seconded by the Very Rev. W. Cochrane,

That, on the last Thursday in the month of August of each year, the magistrates shall meet for the purpose of appointing constables, And

That the constables so appointed shall remain in office for and during the full term of three years from the date of their appointment, and any vacancy that may occur by death or otherwise may be supplied at such annual meeting of the magistrates.

Carried unanimously.

Doctor Bunn moved, and Doctor Cowan seconded, the following,—

Whereas a vacancy has occurred in the Petty Court of the Lower District, It is resolved, That Mr. Donald Murray be appointed to fill the office of Judge of the Petty Court of the aforesaid District.

Carried unanimously.

Doctor Cowan moved, and the Very Rev. W. Cochrane seconded, the following motion:

Whereas a vacancy has occurred in the office of President of the Petty Court of the White Horse Plain District, it is resolved that Mr. Bruneau be appointed, and that, in consideration of the onerous duties of the office, he shall be paid a salary of twelve pounds sterling annually.

Carried unanimously.

Mr. William Ross moved, and Mr. Thomas Thomas seconded the following motion:—

That the Limit of the Middle District on the Assiniboine River be extended from the Sturgeon Creek to Poitras Creek.

Carried unanimously.

Doctor Bunn proposed the following motion, seconded by Dr. Cowan:—

Whereas great inconvenience has arisen from the want of a public land surveyor, it is resolved That a public Surveyor be appointed, with a salary of twenty-five pounds, and that he shall be authorized to charge for every day he

may be employed, not exceeding the sum of ten shillings per diem.

Meeting adjourned.

A true copy.

W. R. SMITH, Executive Officer.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court House on the twenty-eighth day of February, one thousand eight hundred and fifty-five.

Dr. Bunn's motion, from last meeting of Council, was brought forward for discussion:—

"Whereas great inconvenience has arisen from the "want of a public land surveyor,

It is resolved,

"That, a public surveyor be appointed with a salary of "twenty-five pounds, and that he shall be authorized to "charge, for every day he may be employed, not exceeding "the sum of ten shillings per diem."

It was moved by Mr. W. Ross, and seconded by Archdeacon Cochrane, That seven shillings and sixpence be substituted for ten shillings in the original motion.

Carried unanimously.

It was moved by the Lord Bishop of Rupert's Land, and seconded by Archdeacon Cochrane,

That Mr. W. Inkster be appointed the Public Surveyor commencing 1st June, 1855. Carried unanimously.

A petition from the Settlers on the E$^{t.}$ bank of Red River of the Lower District was presented by Mr. Ross, and read:

To the Governor and Council of Assiniboia,

Gentlemen,

Your petitioners humbly shew:

I. That on the E$^{t.}$ or right bank of the Red River, the existing highway extends but a short distance below the Rivière La Seine;

II. That the continuation of such highway down to some point or other nearly opposite to Dr. Bunn's, besides being convenient to the inhabitants above on the same side of the Red River, is necessary to the annually increasing number of settlers along the proposed route;

III. That though the public fund may not immediately be adequate to the making of such road, and the erecting of the requisite bridges, yet the laying out of the line, while buildings are comparatively few, and cultivation comparatively scanty, is deemed by your petitioners to have strong claims on your early consideration.

We have the honour to be,

Red River Settlement,] Gentlemen,
1 June, 1854.] Your obedient servants,

(Signed) John Sutherland (P.D.), Tom Harrison, Joe Lajomonier, Wm. Henderson, Rich. Salter, Archibald Pritchard, Jas. Fraser, John Pritchard, Esq., Robt, Sutherland, John Mathison, Senr; Robt. Munro, Malcolm Paterson, Wildrich Kauffman, Angus Mathison, George Munro, Alex. Munro, Neil Campbell, Hugh Matheson, Sen., Angus Henderson, Alex. Bannerman, Benjamin Lagomonier, Romain Lagomonier.

Archdeacon Cochrane moved, and it was seconded by the Lord Bishop of Rupert's Land:

That the prayer of the Petition be granted, and that the line be extended at the earliest convenience of the Board of Works.

Carried unanimously.

Dr. Cowan, Chairman of the Board of Works, handed to the meeting the following statements of the proceedings of that Board:—

To the Governor and Council of Assiniboia:—

The Board of Public Works have the honour to lay before you, herewith, a brief outline of its proceedings from its organization up to the present date.

The Board held its first session on the 19th Oct., 1853, at the Court house. The organization of the Board having been completed, immediate steps were taken to ascertain the number of bridges wanted, and the amount of money required to complete the same. At its next session, the number of bridges ascertained to be absolutely required were 12, and a ferry boat, with the repair of temporary bridges and other contingencies, requiring the sum of £300. A demand for that sum being made, it was granted. The Board then resolved to

advertise for "Proposals" for the construction of bridges, including materials; and, on the 20th Nov., said advertisement was posted on all the church doors:—In compliance with this advertisement, bids were received from various persons, and on the 8th Dec., the Board decided upon accepting six—the others were rejected on account of the exorbitant prices demanded. At the same session the Board adopted a resolution to the effect, that, as part of the bids were rejected, and that the public be not deprived of the bridges, they resolved to contract for wood, and construct them by engaged men. Accordingly, public notice was given on the 11th Dec. that contracts would be entered into with responsible persons for the supply of materials. Agreeable to notice, "Bids" were received, and contracts entered into for the delivery of wood, on the spot where the bridges were required, at the rate of two shillings and three pence per piece of twenty feet.

With regard to the ferry at the confluence of the Red and Assiniboine Rivers:—The ferryman's term being out, and to avoid anything like partiality, it was resolved to put it up to public competition. On the 29th April Duncan McDougal's offer was accepted, he being at the same time bound by contract to fulfil all its conditions and obligations for one year, and to pay the sum of four pounds sterling by monthly instalments.

The bridge for Sturgeon Creek was not carried out as at first intended, as it would have involved us into a very large expenditure, more than we could afford to expend on one bridge, and fulfil our other engagements. The lowest bid received for this bridge was £95—but instead, we have contracted with Mr. McDermot to furnish a road across his mill dam, for the period of seven years, for the sum of £35—he being bound to keep it in thorough repair at his cost during the above term, and to be under the supervision of the Board of Works.

The bridge at the Lower Water Mill Creek has not been carried on according to our original intention. The cost of a stone bridge would have far exceeded our limited means, and, indeed, we could form no idea of the cost, the sum set apart this year for that purpose being so small in comparison to the undertaking; and, without the certainty of being able to complete it in another year; and, moreover, without much knowledge in the matter, and no experienced mason to conduct the work; we resolved against a stone bridge, but in

its place we have built a substantial wood bridge, 125 feet in length, 19 ft. in breadth, and 14 ft. in height (centre creek), at a cost of £44.10.0. The stones originally intended for the bridge will be hauled up and laid on the other bridges, to prevent their being carried away in the event of high water, and the remainder, (if any) will be sold.

The work, so far, has been made as well as means and circumstances would admit, and now we have the pleasure to state that all the bridges contemplated last season have been completed, and five more, and that at a cost far lower than such work has been done heretofore. *See Schedule 1.*

The amount drawn up to this date, amounts to £309.12.4.

It will be perceived that the work already finished is far from being an entire completion of all the bridges required throughout the Settlement. On the contrary, we have only progressed so far as to render the roads practicable in places most needed. In view of these facts, the Board respectfully suggest to the Council for a further appropriation of £160, to be expended in completing the bridges as *per Schedule No. 2.*

For further particulars the Board beg leave to refer you to a copy of the Journal of their proceedings, which they respectfully offer as a part of this report.

By order of the Board,

(Signed) WILLIAM COWAN,
Chairman.

SCHEDULE NO. 1.

		£.	s.	d.
Cost of Bridge	behind Sinclair's..	14	17	8
" "	Bish$^{p.}$ R. Land 1st	15	19	2
" "	" " 2nd	16	16	7
" "	" " 3rd	6	15	—
" "	Brown's	4	17	6
" "	Inkster's..	25	15	—
" "	Water Mill Creek	44	10	—
" "	Frog Plain	13	—	—
" "	Carrier	7	12	—
" "	Boyer..	8	5	—
" "	Lambert R. S. ..	3	15	—
" "	Ayotte & Dunord	11	2	6
" "	Lajemonier	9	2	6

" " Poitras Creek ...	6	—	—
" " Gagnon's Creek..	6	5	—
" " Saline	6	5	—
" " R. Cath. Bp.. ..	4	14	6
" " Sturgeon Creek..	35	—	—
Paid for one canoe for Rivière La Seine	1	10	—
Paid for 1 Ferry Boat R. S.	14	12	3
" " Clearing a road on the West side of R.R. 1360 yds. in length, and 1 chain width....	4	—	—
Paid for Road reairs includ^{g} Ferryman's pay & rope R. Sall	16	2	—
Paid for James Swain for 100 bush. lime	2	10	—
Paid Wm. Sinclair for freight^{g} it up to Water Mill Creek	1	10	
Paid for tools, &c.	6	9	8
" " Leather Lodge	1	10	—
Wood on hand, Viz: 126 pce. of Oak 20′ @ 2/3	14	3	6
Wood on hand, Viz: 116 pce. of Oak 13′ @ 1/6	8	14	—
Carried forward	£311	13	10

1855. Feb. 27.

	£.	s.	d.
By Cash drawn on the Gov. and Council up to this date..	309	12	4
By Cash from Duncan McDougal on Ferry ...3 0 0	312	12	4
To Cash paid up to this date..	311	13	10
Balance on hand	——	18	6

E.E.

Red River Settlement,

27th February, 1855.

SCHEDULE NO. 2.

Work for the year 1855.

	£	s.	d.
400 yds. Faggot bridge below Water Mill Creek	30	—	—
200 yds. Faggot bridge at G. Setters	15	—	—
2 Bridges at Rowland's Creek.. ..	25	—	—
200 yds. Faggot bridge at Taylor's	15	—	—
1 Bridge at Peter Dahl's	8	—	—
200 yds. Faggot bridge, Frog Plain	15	—	—
1 Bridge at Bruce's	8	—	—
50 yds. at G. Groat's..	3	15	—
200 yds. German Creek	15	—	—
1 Bridge W. H. Plain	10	—	—
Repairing bridge at Fidler's	6	—	—
" Ferry Boat R. S.	5	—	—
Hauling stones up from W. M. Creek	12	—	—
	—	—	—
Red River Settlement, February 27th, 1855.	167	15	—

Doctor Bunn moved, and Archdeacon Cochrane seconded, That a further grant of £100 be given to the Board of Works, to enable them to proceed with the work contemplated.

Carried unanimously.

Archdeacon Cochrane moved, and Doctor Bunn seconded, That a vote of thanks be given to the Board of Works for the able manner they have conducted the public works.

Carried unanimously.

Doctor Cowan moved, and Doctor Bunn seconded, That Mr. W. Ross be appointed postmaster, and that a monthly mail be established between this settlement and Pembina. And, that the sum of £5. 0. 0. per annum salary be paid to the postmaster.

Carried unanimously.

Mr. W. Ross accepted the Office of Postmaster for one year only, commencing from this date.

It was resolved that the premium on wolves' heads be discontinued. And that wolf poison will be given to the magistrates for distribution.

Adjourned.

A true Copy
W. R. Smith, E.O.

Minutes of a meeting of the Governor and Council of Assiniboia, held at the Court House on the nineteenth day of July, one thousand eight hundred and fifty-five.

Present.

Francis Godschall Johnson, Esq., Depty. Gov., President.
John Bunn, Esq., Councillor of Assiniboia.
The Rev. Louis LaFlèche, Councillor of Assiniboia.
Thomas Thomas, " "
William Ross, " "
François Bruneau, " "
Robert McBeath, " "

The President handed the following document to the Clerk of the Council to read, viz:—

"I hereby constitute and appoint Francis Godschall "Johnson, Esquire, Recorder of Rupert's Land, to be my "deputy for the purpose of holding the General Court of and "for the District of Assiniboia, and the Council thereof, during "the absence of the Governor of Assiniboia, and no longer."

"Given under my hand and seal at Fort Garry this "twenty eighth day of June, one thousand eight hundred "and fifty five.

(Signed) G. Simpson,
Gov. in Chief of Rupert's Land."

An abstract of the Public Accounts were then presented and laid on the table, shewing a Cr. Balance of £196.3.10½.

Moved by the Rev. Mr. LaFlèche, and seconded by Mr. Bunn, That the Public Accounts for the past year do pass.

Carried unanimously.

On the Collector of Custom Duty requesting the Council to devise means by which the import duty from the U. States might be collected, It was moved by Thomas Thomas, Esq., and seconded by Robt. McBeath, Esq.,

That Mr. Bruneau be appointed to collect the import duty of 4 per cent on goods imported from the United States, during the current year, from all persons residing in the Parishes of St. Boniface and St. Francois Xavier, and that he receive for such service the sum of £15.

Carried unanimously.

On the Collector reporting to the Council that the Honble. H. B. Coy's Fur Trade had refused paying the import duty

on Merchandise sent to their outposts during the season, and which property formed part of their original outfit to Fort Garry, and that this had continued since the year 1849 till the present year; the Collector prayed the advice of Council on the said subject.

The President, with the concurrence of the Council, directed the Collector to request the arrears of duty due by the Company, and to lay before the Council, at its next sitting the result of such requisition.

Mr. Bruneau reported that, as President of the Petty Court at White Horse Plains on the last Court day, he could hold no court, there not being a quorum, and, furthermore that Mr. Urbain [Delorme], one of the appointed magistrates of that Court, was scarcely ever in the Settlement, summer or winter.

The Council unanimously agreed to request of the Rev. Mons. LaFlèche to inform Mr. Urbain Delorm to resign his office as Petty Judge of the said Court, and also to nominate some more efficient person to the vacancy.

Mr. Bruneau, on behalf of the Board of Works, requested authority from Council to change a road with a settler, for the benefit of the public.

It was therefore moved by the Rev. Mr. LaFlèche and seconded by Mr. McBeath:

That the Board of Works be authorized to exchange the land formerly serving as a road on the point of land belonging to Bapte. Perreault, for a piece of land, half a chain width, across the said point.

The Rev. Mr. LaFlèche gave notice of a motion for the continuing of the premium on wolves.

A true copy

W. R. Smith, Clerk to Council.

Minutes of a meeting of the Governor & Council of Assiniboia, held at the Court House on the 27th day of February, 1856.

Present.

Francis G. Johnson, Esq., Gov., of Assiniboia, President
The Rt. Revd. Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Very Revd. Archdeacon Cochrane, Councillor of Assiniboia.

Rvd. Mr. Louis LaFlèche, Councillor of Assiniboia.
John Bunn, " "
Wiliam Cowan, " "
William Ross, " "
François Bruneau, " "
Thomas Sinclair, " "
Robert McBeath, " "

The following Commission was then read by the Clerk of the Council,—viz:

To Francis Godschall Johnson, Esqr., hereby appointed Governor of the District of Assiniboia.

By Virtue of the Charter given to the Governor and company of Adventurers of England trading to Hudson's Bay by King Charles the Second, by His Letters Patent under the Great Seal of England, bearing date the second day of May in the twenty second year of His Reign, We do hereby appoint you, Francis Godschall Johnson, Esquire, Governor of all and every part of Assiniboia, being part of the Territory of Rupert's Land, to exercise all the Powers, and to perform all the duties which, under the said Charter may be by law exercised and performed, And you are to observe and follow all such orders from time to time as you shall receive from us the Governor and Committee of the Company of Adventurers of England trading into Hudson's Bay, or from our successors for the time being, or from the Governor in Chief for the time being of the Territory of Rupert's Land.

Given under the Common Seal of the said Governor and Company, this twenty sixth day of November one thousand eight hundred and fifty five.

By ORDER of the Governor and Committee.

(Signed) W. G. Smith,
Secretary.

The following oath was then administered by the Clerk of the Council.

"I hereby swear in the presence of Almighty God, that "I will truly Serve our Sovereign Lady, The Queen, or Her "Heirs and Successors, and all, who now do, or hereafter may, "lawfully exercise authority under her, or them, and that I

" will faithfully discharge all and every the duties of Governor " of the District of Assiniboia in Rupert's Land."

The minutes of the last council were then read—the Clerk of the Council then read the correspondence between himself & Chief Factor John Swanston, Esq., concerning import duty, viz:—

JOHN SWANSTON, Esq.,
Chief Factor, Hon'ble H. B. Coy.

SIR,—

In obedience to instructions given me by the President & Council of Assiniboia on the 19th July, 1855, I have hereby to request of you a settlement of import duty due by the Hon'ble. H. B. Coy's Fur Trade on that portion of their imports sent by them to their outposts, etc., during the years 1849 and 1854 inclusive, and hitherto kept back as not liable to the said import duty of 4 per cent.

An answer to the above at your earliest convenience will greatly oblige.

I have the honour to be,
Sir,
Your most humble & obedient servant

Red River Settlement
24th July, 1855

(Signed) W. R. SMITH,
Clerk to the Council of Assiniboia
& Collector of Custom Duty.

To John Swanston, Esq.

The following letter was received in answer to the above:—

UPPER FORT GARRY,
July 24, 1855.

William R. Smith, Esqr.,

DEAR SIR,—

I beg to acknowledge the receipt of your letter of this day's date, which was handed to me by James S. Clouston, Esq., and, in reply to the subject in question, have merely to state, do not consider myself authorized to decide thereon, but, at the same time, beg to advise you that I shall forward your communication to Sir George Simpson by the earliest opportunity, and, on the receipt of his answer, will advise you of the same. In the meantime,

I remain, dear sir,
Your most obedt. servt.,
(Signed) JOHN SWANSTON.

The Revd. Mr. LaFlèche referred his motion to the next autumn, the present season being too far advanced for his motion to be of benefit during the present season.

Post Master William Ross produced his year's accounts of the Post Office, viz: Account of Newspapers, Books, Letters, &c., sent and received at the Red River Post Office from March 1855 to February 1856.

Months.	Papers.	Letters.	Parcels.	Postage. U. S. £	s.	d.	R. R. £	s.	d.	Total. £	s.	d.
1855.	No.	No.	Oz.									
March	152	320	56	11	4	11	4	16	7½	16	1	6½
April	42	199	342	5	13	11	4	6	0	9	19	11
May	270	150	128	5	9	4½	3	10	1	8	19	5½
June	110	82	5	2	6	10½	1	9	9	3	16	7½
July	177	204	19	3	2	6	3	6	4	6	8	10
August	140	134	3	2	8	5	2	3	8½	4	12	1½
September	195	150	.....	2	5	1½	2	12	1	4	17	2½
October	278	325	.....	6	5	7	5	4	5	11	10	0
November	240	328	.....	5	9	9	5	2	0	10	11	9
December	241	209	.....	3	9	3	3	13	2½	7	2	5½
1856.												
January	325	471	15	10	7	5½	7	6	10½	17	14	4
February	267	249	12	4	10	6½	4	6	½	8	16	7
Total	2,437	2,821	580	62	13	8½	47	17	1½	110	10	10

RED RIVER POST OFFICE, 1855-6.

1855			Dr. £	s.	d.	Cr. £	s.	d.
March 15	To cash paid for	4 quires paper	0	6	0			
	"	distributing mail	0	7	0			
20	"	Nath. Logan, blank book	0	4	8			
April 2	"	distributing mail	0	5	0			
Sept. 11	"	4 quires paper	0	6	0			
1856								
Feb. 16	"	Roget Goullais[1] carrying mail	16	13	4			
	"	Postmaster's salary	5	0	0			
26	By cash received, postage on letters, etc.					47	17	1½
	To balance in hand		24	15	1½			
	(E.E.)		47	17	1½	47	17	1½

Red River Settlement,
26th February, 1856.
(Signed) Wm. Ross, P.M.

[1] i.e. Roger Goulet.

It was then moved by the Lord Bishop of Rupert's Land, and seconded by the Revd. Archdeacon Cochrane.

That the statement of accounts now presented by Postmaster Ross be received, and that a monthly mail between this settlement and Pembina, established on the 27th February, 1855, be continued for another year, and that Mr. Wm. Ross be continued as Postmaster at a salary of £6 per annum, and that a receiving office be established at the Rapids.

Carried unanimously.

The Chairman of the Board of Works then presented their accounts for the past season.

To the Governor and Council of Assiniboia.

The Board of Public Works herewith beg to submit before you the state of roads, the expenditure for the year, and their proceedings.

Agreeable to the resolution of Council, that a road be surveyed on the east bank of the Red River, beginning from the termination of the old survey on the German Creek; downwards to Bunn's Creek. The Board would beg to state, that said road has been surveyed and laid down in the direction pointed out by those that were more immediately connected with the land through which the road had to pass, being at a convenient distance from their habitations. The Board would further state, that, with the exception of a few individuals, they appeared perfectly satisfied with the road. In order to avoid swamps and to make the road as straight and as convenient as possible, it was necessary, on two instances, to pass through cultivated fields. In the first case (T. White) the road, as marked, runs diagonally across the field, on either side of said field being low, marshy ground, and unfit for a road. In the other case (J. Gunn) the road runs on the east bank of the creek, and cuts off the breadth of the road (1 chain) right across the field. In both instances the running of the road through these fields has been unavoidable, unless, indeed, the general course of the road was materially altered, which, in that case, was hardly possible without running into swamps, and thereby incurring an additional outlay of means. The clearing and bridging of said road will, at the lowest calculation, cost £85.

With regard to the ferry at Rivière Salle, repeated complaints have been made from time to time, the chief ground of complaint being the payment of a toll of one penny for an

animal and cart passing over. When the ferry was first established, it was considered unnecessary to have a ferryman in regular attendance, it being given in charge of a man who occasionally attended it; but, during that summer, either through carelessness or other causes, the boat had several times been broken through, the ropes removed or stolen, and, on that account the Board resolved, this year, to engage a ferryman who would be on the spot at all times, and therefore the penny was charged to defray part of the ferryman's wages; however, the Board must declare that the cost of maintaining a ferry on that river has been great, and that without giving much satisfaction to the parties interested. They would therefore suggest the propriety of appointing competent persons, to examine whether it would be practicable to put a bridge across the river, and also to make an estimate of the cost thereof.

The ferry on the Assiniboine river has, also, been a subject of complaint on account of the steepness of the bank on the north side. The bank had originally been cut down; but the high water in the spring having eaten away the bank, and left it so steep that, in wet weather, an animal with very great difficulty can get up, it would require to be cut down again, and the same repeated year after year. To avoid both the difficulty and the cost, and to meet the wishes of the people, the Board would propose the removal of the ferry higher up the river, where the bank has a gradual descent to the water's edge.

The amount of expenditure, this year, on bridges, roads, repairs, etc., has been £108.19.11., as per Appendix 1. There are yet several bridges to be made, as per Appendix 2. When these bridges have been completed, the general state of the roads (considering the length, 84 miles) through the settlement will be tolerably good in dry weather, but, in the spring of the year, or after a day or two of heavy rain, there are many parts that are hardly passable, and ought to be bridged as soon as means will permit.

In conclusion, the Board do not make any demand for money, they have merely pointed out what remains to be done, and leave to the discretion of the council to grant any sum they may deem necessary for the carrying on of the public works.

I have the honour to be,
Yours faithfully,

(Signed) WILLIAM COWAN,
Chairman.

APPENDIX 1.

—	Dr. £	s.	d.	Cr. £	s.	d.
1. Bruce's Bridge	7	13	6			
2. Dahl's "	13	10	6			
3. Groat's faggot bridge, 80 yds.	7	10	6			
4. Clearing Road West R.R.	4	16	5			
6. Truthwaits fagt. bridge, 124 yds.	7	10	..			
7. McDonald's " " 140 "	9	..	..			
8. Setters " " 63 "	4	4	..			
9. Road Survey East R.R.	2	9	..			
10. Rivière Salle Ferry	9	7	..			
11. German Creek Bridge	1	11	..			
12. Bois Clere's "	25	17	..			
13. Red River Ferry	4	2	..			
14. Clearing Road, Rivière Salle	2	10	6			
Road Repairs, etc., etc	8	18	6			
By Bal. of last year's account					18	5
By Cash drawn on Gov. and Council				100	2	5½
By Cash Duncan McDougall on ferry '54/5				1	..	..
" " " '55/6				7	..	..
By Cash, John Vincent for Lime					4	..
" Alex Bannerman for wood sold				3	..	..
" H. Hallett "					4	6
" Js. Inkster "					12	..
" P. St. Germain					6	..
	108	19	11	113	7	4½
				108	19	11
By Bal. carried to new account				4	7	5½

E.E.

RED RIVER SETTLEMENT,
February 26th, 1856.

APPENDIX 2.

—	Cr. £	s.	d.
1. New Surveyed Road	85	..	..
2. Harkness' Bridge	10	..	..
3. Rowland's 2 "	35	..	..
4. Taylor's Faggot Bridge, 80 yds.	7	..	..
5. West R.R. 200 yds. Faggot	15	..	..
6. East " 200 "	15	..	..
7. 2 Bridges near Farm	5	..	..
8. 1 Bridge St. Germain	5	..	..
9. White Horse Plain District	20	..	..
	197	..	..

It was moved by John Bunn, Esquire, and seconded by Archdeacon Cochrane.

That the report now presented by the Board of Public Works be received.

Carried unanimously.

William Cowan, Esq., having intimated his resigning the office of Chairman to the Board of Public Works,

It was moved by the Rev. Archdeacon Cochrane, and seconded by the Rev. Mons. LaFlèche,

That the resignation now tendered by William Cowan, Esq., of his office as President of the Board of Public Works be received, and that the thanks of the Council be conveyed to him for his performance of the duties of that office.

Carried unanimously.

It was moved by John Bunn,Esq., and seconded by William Cowan, Esq.,

That Mr. William Ross be appointed President of the Board of Works.

Carried unanimously.

It was moved by Robert McBeath, Esq., and seconded by William Ross, Esq.,

That a census of the population of this Settlement be taken, during the month of May next, as near as may be on the fifteenth day of that month, and that the following persons be appointed to take the same, to wit:—

For the Parish of St. François Xavier, Pascal Berland.
" St. Norbert, Rev, Mr. Laflèche,
" St. Boniface, Mr. Bruneau.
" Rivière Sale, Louis Bousquet.
" St. James, Hector McKenzie.
" St. John's, Wm. Inkster.
" St. Paul's, Mr. Smith.
" St. Andrew's, Mr. Gunn and Mr. T. Sinclair.
" St. Peter's, Mr. Cummings.

Carried unanimously.

It was moved by the Rev. Mr. Laflèche, and seconded by the Lord Bishop of Rupert's Land,

That the postage on newspapers from Pembina to this Settlement, and vice versa, be reduced to one half penny for each newspaper, instead of one penny, as now charged.

Carried unanimously.

The Rev. Mr. Laflèche reported to the Council that the Canadian population were dissatisfied with the present surveyor, that they could not understand him. The reverend gentleman therefore proposed that, at the next meeting of Council, measures might be adopted to have two surveyors, one for the Canadians, and the other for the Europeans. The Clerk of the Council was therefore instructed to give warning to Mr. W. Inkster that his services, under his present agreement, should cease on the last day of May, 1856.

James Bird, Esquire, having forwarded the following letter to the Clerk of the Council, (it) was read:

Feb. 23rd, 1856.

Sir,—

Old age and its attendant infirmities quite disqualify me for doing the duties of Counsellor, and I must, therefore however reluctantly, resign the honourable office. I may add that I last year sent Governor Caldwell, what I considered my resignation.

I am, sir,
Your hble. servant,

(Signed) James Bird.

Mr. Smith,
Secretary, etc., etc.

The Clerk was commanded to convey to Mr. Bird the thanks of the Council for his services as Councillor, and accepted his resignation.

Minutes of a meeting of the Governor & Council of Assiniboia, held on the twenty-seventh day of May, one thousand eight hundred & fifty-six.

Present:

Francis G. Johnson, Esquire, Governor of Assiniboia, President.

The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Reverend L. Laflèche, Councillor of Assiniboia.
John Bunn, Esquire, " "
Thomas Thomas, Esquire, " "
François Bruneau, Esquire, " "
Robert McBeath, Esquire, " "

When the following resolutions were passed, viz:

Moved by the Revd. Mr. Laflèche and seconded by Doctor Bunn,

That Roger Goulet be appointed Surveyor for that part of the Settlement situate to the south of the River Assiniboine & Red River, and be authorized to receive for his services, as such, ten shillings per diem for each day that he may be employed as such; his employer furnishing a man to assist him, if he shall require it; the public paying no salary whatever. And that a surveyor be appointed by the Governor, on the same terms, for the north side of the river.

Moved by the Bishop of Rupert's Land, and seconded by the Revd. Mr. Laflèche,

That Mr. William Drever be Postmaster in lieu and stead of the late William Ross, deceased, at and for the salary of (£6) six pounds per annum.

Moved by the Lord Bishop of Rupert's Land, and seconded by the Revd. Mr. Laflèche.

That the Clerk of the Council be directed to communicate to the widow of the late William Ross, Esqr., the regret which they feel at his untimely death, their deep sense of his fidelity and efficiency as a public officer, and their sympathy with his bereaved family.

Moved by the Lord Bishop of Rupert's Land, and seconded by Mr. Bruneau,

That Mr. Kenneth Logan be appointed Petty Judge, in the lieu and stead of the late William Ross.

Moved by the Revd. Mr. Laflèche, and seconded by Mr. Robert McBeath,

That Doctor Bunn be appointed Governor of the Gaol in the lieu and stead of the late William Ross.

Moved by Mr. Thomas Thomas, and seconded by Mr. Bruneau, That Messrs William Dease, Hector McKenzie, and Pascal Breland be appointed members of the Board of Works, and that Doctor Bunn be Chairman.

The following petition was received and read:—

Red River, May 23rd, 1856.

To the Governor & Council of Assiniboia,
in Council assembled:

Gentlemen,

We, the undersigned, humbly petition that you will favorably consider, and grant your sanction to our request

begging that the portion of the public road, originally authorized on the east side of the river, between Angus Morrison's lot of land and Hugh Mathison's, Junr., a distance of about a mile, be abandoned, and that you will grant us, instead, a road which we have marked out adjacent to the original one, but which is shorter, easier of construction, and is in every respect in a more suitable locality.

(Signed) Archibald Pritchard.

George Dahl, Samuel Henderson, Sam Pritchard, John Gunn, Willm. Henderson, Thomas Willm. Pritchard, Hugh Matheson Jr., Robert Sutherland, Hugh Pritchard, Angus Morison, Wilk. Coffman [Kaufmann?], Richard Pritchard, George Munro, John Pritchard, Donald Murray, Angus Henderson, Donald McBeath, John Matheson, Angus Matheson, George McKay, Alexander McKay, Robert McBeath.

It was then moved by the Bishop of Rupert's Land, and seconded by Robert McBeath, Esq.

That the petition of Archd. Pritchard and others, for an alteration of road, be referred to the Board of Works.

Moved by Robert McBeath, and seconded by the Lord Bishop of Rupert's Land:

That the fulling mill belonging to the Colony, & now in the stores of the Honourable Hudson's Bay Company at Upper Fort Garry, be sold by public auction on the 2nd day of June next, at Fort Garry, at noon, & that public notice of the said Auction be given by written notice on the doors of the different churches, on Sunday next, and that the upset price be (£30) thirty pounds.

Mr. Bruneau gave notice that, at the next meeting of Council, he will move the reconsideration of the laws relating to stallions and pigs.

To The Govr. and Council of Assiniboia;

The Petition of Alexr. Ross

Humbly sheweth,

That, in the year 1841 and 42 the public road, behind your petitioner's dwelling, was so overflowed with water from the swamps behind, during the spring, that it was almost impossible for man or beast to pass, and was so almost every spring. The Council, in consequence, applied to your peti-

tioner to have a drain cut across his whole lot, 17 chains broad, inside the fence, to carry off the water—the Council undertaking to keep a good and sufficient bridge over said drain, at a spot fixed upon by Captn. Carey, and to this proposal your petitioner agreed.

That, in the last mentioned year, the drain was begun, and finished in 1844, and a bridge put on it at the public expense, this bridge cost about £1.6. In 1845, the water widened the drain and carried off the bridge and fence. In 1846 another bridge was put over the drain at the public expense, at a cost of £3. In 1847, the water again widened the drain, and again carried off the bridge. In 1849, another bridge was thrown over the drain, which cost the public £66 stg., but the water widening the drain more and more, the bridge was undermined in 1851, and in 1852, was carried off altogether. Since then, no bridge has been put over said drain, and, in the absence of a bridge there your petitioner can have no access to any part of his lands beyond the public road, thus placing him in an awkward position, having to depend on his neighbours for a road ever since.

That, since 1852, no bridges were made in this neighbourhood till last year, when your petitioner applied to the Board of Works, and stated his case to the Clerk of the Council, but has been put off from time to time. That your petitioner, therefore, humbly prays the Council to take his case into its consideration, and cause a bridge to be put on said drain as early as convenient; and your petitioner shall ever pray.

(Signed) A. Ross.

May 27th, 1856.

W. R. Smith, E. O.

Minutes of a meeting of the Governor & Council of Assiniboia, held on the 25th day of June, one thousand eight hundred and fifty seven.

Present

Francis G. Johnson, Esqr. Govr. of Assiniboia, President
John Bunn, Esqr. M.D., Councillor of Assiniboia.
Thomas Thomas, " "
Robert McBeath, " "
Major Seaton.

John Inkster,
Henry Fisher,

The following gentlemen were, after taking the usual oath, admitted as Councillors of Assiniboia.

Major Seaton,
John Inkster,
Henry Fisher.

The Clerk of the Council having read the Minutes of last meeting of Council, John Bunn, Esqr., Chairman of the Board of Works, read the following Report:

Report of the Board of Public Works for 1856/57.

Your Board had to commence their operations of last year under some disadvantages, which, however, they trust, have not impeded the public good, or unduly increased the public expenditure. The death of Mr. Ross deprived them of the benefit of his knowledge of previous arrangements, and no record was found among his papers as a guide to future operations, but the requirements of the public interest would not admit of inaction, the unusual quantity of water which poured into every stream caused serious injury to many of the bridges, and more especially at such parts of the general thoroughfares as their destruction made impassable, the effects of the spring thaw upon the subsoil are such as have hitherto set at naught our local skill in engineering.

Commencing at the lower part of the Settlement, the Board presents a sketch of their proceedings.

Between the Indian Settlement and Stone Fort, two portions of the road had become impassable, and two pieces of faggotting, exceeding two hundred yards, was commenced, but the season prevented one from being finished; the expense incurred was £10. 10. 0. The bridge at Rowland's Creek had become too dangerous, (and) was therefore rebuilt at an expense of £21. 11. 10½. A bridge at Livingstone's Creek, for the same reason, was erected at a cost of £6. 2. 3. The roads at the back of Mr. Logan's having raised many complaints, some faggotting was commenced, but, from want of workmen at so late a period of the season, that it could not be finished, and is therefore not yet of any use; the cost of 147 yards of faggotting was £10. 1. 9.

In obedience to an order from this Council, a road was opened from German Creek to Bunn's Creek, at an expense of £20. 6. 2½. The inhabitants of the south side of the River,

above the Forks, complained of the roads near the premises of Joseph Flammond, where 374 yds. of faggotting has been made, at an expense of £18. 14. 0., but something more is yet required. The sum of £6 was expended at various times, in repairing the bridges between this and the White Horse Plains. But the most expensive and unsatisfactory of our operations have been at the Rivière Salle.

In the last report, by Doctor Cowan, it was recommended that a bridge should be built on that River, as the maintenance of a ferry was unsatisfactory and expensive. To avoid delay, and so as to provide the expense between the revenue of two years, the frame of the bridge was laid down last fall, to be ready for covering in the ensuing spring, and, when finished, it was proposed to load it with stones, so as to secure it against the freshets which occasionally occur in that river; the expense incurred amounted to £30. Unfortunately, the high water of this season flooded up the posts, and undid all the labour of erection, but as none of the wood is lost, it may be again refloored at comparatively small expense. A large quantity of wood has been contracted for, and most of it has been already landed on the spot. It is submitted to the Council whether the work shall be forwarded in, or the attempt be resigned; the further cost may be £50. The wood contracted for amounts to £27. 10. 0, of which £20. 1. 0. has been paid.

Five bridges are required for the White Horse Plains road, the few now standing are dangerous. Wood to the amount of £50 has been contracted for; the distance of the road from the river makes it expensive to place materials upon the spot. About 150 yds. of faggotting is required at White Horse Plains, which may cost £10. Between the Fort and Sturgeon Creek some faggotting and small bridges are required .

A bridge is required above Rivière Salle, and some more faggotting about Flammond's, and at Frog Plains, where there is most traffic, and the road is worse than (in) almost any portion of the Settlement, at least 1200 yds. of faggotting is required. An attempt was made, last Fall, to procure 2,000 faggots, but no one would undertake them, About 50 yds. of faggotting is required at James Taylor's, and also at John Muir's. A new scow is wanted for the Forks Ferry, and one has been contracted for at £22, of which nearly half has been paid. The sums required for the current year will be as follows:—

For Rivière Salle, say, £50; for the White Horse Plains bridges, say, £70; for faggotting at White Horse Plains, £15; for bridges between the Fort and Sturgeon Creek, £12; Frog Plains, £75; at James Taylor's, £5; John Muir, £5; bridge at Pointe Coupée £20. The new Scotch road will require some further improvement. In all a sum of £300 or £350 will be necessary for improving the roads, and for some repairs for the gaol, during this season. These are all the particulars that have been pressed upon the attention of your Board, and it is left to the Council to decide upon future operations.

Respectfully,

(Signed) JOHN BUNN,
Chairman.

Moved by Robert McBeath, seconded by Thomas Thomas, Esq.,

That the report of the Board of Works be received, and a further grant of the sum of £350 for the service of the current year, be granted to the Board of Works.

Carried unanimously.

Moved by John Bunn, Esq., seconded by Robert McBeath, Esq.,

That the last year's accounts, now presented, and which could not be presented the last May, on account of the absence of the Governor at Norway House, do now pass.

Carried unanimously.

Moved by Robert McBeath, Esq., Doctor Bunn seconded; That the accounts of the present year, 1856 & 57, do pass.

Carried unanimously.

Mr. Bruneau's motion for the reconsideration of the laws concerning stallions and pigs, he not being at the present meeting of Council, was deferred.

Moved by John Bunn, Esq., seconded by John Inkster, Esq.,

That, whereas the postal service established between this Settlement & Pembina, and continued for one year from the 27th Feby. 1856, is of great advantage to the Settlement, the same be continued, as from the last mentioned day, until repealed by competent authority.

Moved by John Inkster, Esq., seconded by Robt McBeath, Esq.,

That, Nathaniel Logan be appointed Post Master in the lieu & stead of Mr. W. Drever, at a salary of £6 per annum.

And that the rate of postage on letters be reduced to 1d. for every letter not exceeding one ½ ounce, as well to as from Pembina and Red River, and a further sum of 2d. for every extra ½ oz.

Moved by Mr. Fisher, seconded by Dr. Bunn,

That, whenever the Session of the General Court for the month of May shall fall on Ascension Day, the same shall be held the day next afterwards.

Moved by Mr. McBeath, seconded by Mr. Fisher,

That Thomas Thomas, Esq., and John Inkster, be appointed Auditors for the ensuing year.

Moved by Dr. Bunn, and seconded by Mr. T. Thomas,

That the dye stuffs belonging to the Governor & Council of Assiniboia, now at the residence of the Messrs Pritchard, be sold by auction on the first day of July, 1857, at such time and place as may be appointed by the Secretary in a public notice to be given thereof.

It was moved that the present meeting do now adjourn.

W. R. Smith, C. C.

26th June, 1856.

Minutes of a Meeting of the Governor & Council of Assiniboia, held on the 19th day of September, One Thousand Eight Hundred and Fifty Seven.

Present

Francis G. Johnson, Esq., Gov. of Assiniboia, President.

The Very Rev. Archdeacon Cochrane, Councillor of Assiniboia.

John Bunn, Esq.,	Councillor of	Assiniboia.
Major Seaton,	"	"
Thos. Sinclair, Esq.,	"	"
Robt. McBeath, Esq.,	"	"
Francis Bruneau, Esq.,	"	"
John Inkster, Esq.,	"	"
Pascal Breland, Esq.,	"	"
Solomon Hamlin, Esq.,	"	"
Henry Fisher, Esq.,	"	"
Maximilien Genton, Esq.,	"	"

Messrs Pascal Breland, Solomon Hamlin, and Maximilien Genton, after taking the usual oath, were admitted Councillors of Assiniboia.

The minutes of the former meeting of Council were read, when Doctor Bunn moved, and (was) seconded by Robert McBeath, Esq.

1. It was resolved: That in order to prevent, for the future, any misconception of the relations between freighters or owners and their boatmen, it shall not be lawful for any such master or owner of any boat voyaging between Red River Settlement and any other place to embark any person as a boatman without first entering into a contract, in writing, as nearly as may be in the form of the Schedule A, hereafter written, specifying what wages such person is to receive, in what capacity he is to serve, the time of entering such service, the period of starting, and the port or place to which such voyage is to be made, and to be signed by such owner or freighter, in the first instance, and by every such boatman respectively, and attested by one witness, when both contracting parties can sign their names, and by two witnesses where one or both contracting parties shall be unable to sign their name or names, the said contract to be distinctly and truly read to such boatmen before signature.

II Resolved: That, if any boatman, after having signed such agreement, but not otherwise, shall neglect or refuse to join the boat he has engaged to serve in, or shall refuse to proceed on the voyage agreed upon, or shall absent himself without leave, it shall be lawful for any justice of the peace, upon complaint being made on oath by the master or owner of such boat, who shall produce his contract, to apprehend the said boatman, and in case such boatman cannot give any sufficient reason for such absence, refusal, or neglect, the said justice, upon sufficient proof of such default, may commit the said boatman to jail for any period not exceeding thirty days, unless such boatman shall agree to proceed on such voyage, to the satisfaction of the complaining party; provided, always, that nothing herein shall deprive the master or owner of his legal recourse for the recovery of wages advanced to such boatman, nor deprive such boatman of the like recourse for wages due.

III Resolved: That public and sufficient notice shall be given of the day of starting, not less than fourteen days previously.

SCHEDULE *A*.

An agreement made pursuant to a law of the Governor and Council of Assiniboia, passed in the 21st year of the reign

of Her Majesty Queen Victoria, between .. ..of Red River Settlement, freighter, and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons, and they severally agree, hereby, to serve on board such boat or boats as may be hereafter designated, in the several capacities against their respective names expressed, on a voyage from Red River Settlement to York Factory, and back to Red River Settlement. And the said crew further agree to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be at all times diligent in their respective duties, and stations, and to be obedient to the lawful commands of the said freighter or his representative, in everything relating to the said boat, and the material stores and cargo thereof, whether on board such boat or on shore. In consideration of which services to be duly, honestly, carefully and faithfully performed, the said freighter doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed. In witness whereof, the said parties have hereto subscribed their names on the days against their respective signatures mentioned.

Date of Engagement.

Day.	Month.	Year.	Mens' Signatures.	Quality.	Season of Starting.	Wages.	Witness.

It was moved by the Rev. Archd'n Cochrane, seconded by Mr. Fisher:

Resolved that James Stewart be appointed postmaster in the place of Nathl. Logan, resigned, and at the same salary, as from the 9th day of September, 1857.

Moved by Pascal Breland, seconded by Mr. Bruneau:

That the Petty Court at the White Horse Plain be held, in future, on the first Monday in June of every year, instead of the 2nd Monday in May, as at present.

Moved by Mr. Bruneau, seconded by Mr. Hamelin:

Resolved That, from and out of the sum of one pound by law payable by the owner of any stallion at large, the magis-

trate imposing such fine shall deduct the sum of ten shillings, and pay the same to the captor of such stallion.

Moved by Mr. Pascal Breland, seconded by Mr. Bruneau:

That a premium of three shillings and six pence be paid for the head of every wolf killed within twenty miles of the settlement, such head to be delivered to the following gentlemen:

For White Horse Plain District, Mr. Josh. Guilbeau,
Upper Part of Red River District, Mr. Genton & Mr. Hamelin,
Lower Part of Red River District, Mr. R. McBeath & Mr. T. Sinclair,
Sturgeon Creek District, Mr. J. Isbester.

Mr. John Inkster gave notice of a motion that all whiskey imported from the United States of America pay a duty of six shillings per gallon.

A true copy.

William R. Smith, C.C.
24th September, 1857.

Minutes of a meeting of the Governor & Council of Assiniboia, held on the twenty third day of June, one thousand eight hundred and fifty eight; at which were present as follows:

Francis G. Johnson, Esq., Gov. of Assiniboia, President.
The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor.
The Rt. Rev. The Lord Bishop of St. Boniface, Councillor.
John Bunn, Esq., Councillor.
Thomas Thomas, Esq., Councillor.
Robert McBeath, Esq., Councillor.
Henry Fisher, Esq., Councillor.
John Inkster, Esq., Councillor.

The Lord Bishop of St. Boniface affirmed that he would truly perform the duties of a Councillor of Assiniboia, and took his seat as Councillor.

On Mr. Inkster's motion being discussed, it was moved by Mr. Inkster, and seconded by the Bishop of Rupert's Land:

That a duty of six shillings be levied on each gallon of whiskey imported from the United States of America.

It was moved by Dr. Bunn as an amendment, and seconded by Mr. Thomas.

That Mr. Inkster's motion be postponed to the next meeting of Council.

Carried unanimously.

It was moved by the Lord Bishop of St. Boniface, and seconded by the Lord Bishop of Rupert's Land,

That the Public Accounts, now presented and audited, and published according to law, be passed.

Carried unanimously.

Doctor Bunn, as chairman of the Board of Works, gave the following report:—

"At the last meeting of council, a sum of £300 was voted for the improvement of the public roads. For this purpose about £250 has been expended, in the following manner: For repairing the damages caused by the high water, spring 1857, the expense was £41. 1. 9. For making a faggot road between the Stone Fort and Indian Settlement £7. 15. Making a faggot road on the east side of Red River, above the church of St. Boniface, £13. 14. For faggotting, for timber, and building a bridge on the White Horse Plain road, £58. 3. 1. The bridge at Rivière Salle has cost £127. 2. 0. About 600 yards of faggotting at the Frog Plain has been contracted for, and is in process of completion; the cost at 2/ per lineal yard. Four bridges on the White Horse Plain road have been contracted for, and are being built. A faggot road is making behind Mr. Fisher's premises, as well as on the west bank of the Red River, and the road behind Mr. Logan's is being put into proper repair. The contract entered into between Dr. Cowan and Mr. McDermott, for maintaining a proper thoroughfare over the Sturgeon Creek, will expire in 1861, but as the state of that thoroughfare is the source of much discontent, and as the necessary bridge will require a considerable time for its completion, it would be advisable to commence it as soon as possible, and, if material could be found, a beginning might be made this autumn. 6 or 700 yards of faggotting are still necessary at or about the Frog Plain, and at various points of the road between the two forts improvements are required, some of which would ere now (have) been accomplished if it were not from the difficulty of obtaining labour. On the right bank of the Assiniboine River, a road will require to be lined out and cleared. For the accomplishment of these various objects, a further grant of £300, exclusive of the unexpended grant of last year, may be required.

"With every desire on the part of your board to meet the public convenience, they are often reminded of dissatisfaction at their inefficiency. The increasing extent of roads, and the annually renewed demands for repairs and improvements, make the duty of superintendence far from agreeable, and impose a tax upon the time of the members, not patiently borne. It is difficult to suggest an improvement, perhaps, but the choice appears to lie between an increase of our members, and the appointment of a paid official whose sole duty it would be to attend to this department. This, however, must be left to the wisdom of this Council."

(Signed) JOHN BUNN,
Chairman.

Moved by Mr. Thomas, and seconded by Mr. Fisher:

That the report of the Board of Works, now presented, be passed, and that a credit of £300 be given to the Board of Works, for the current year.

Carried unanimously.

Moved by Dr. Bunn and seconded by Mr. McBeath:

That Mr. H. Fisher be appointed a member of the Board of Works.

Carried unanimously.

Moved by Mr. Bunn, and seconded by Mr. J. Inkster:

That, whereas the 18th Resolution of our local code, which runs thus:

"If, without the Hudson's Bay Company's authority any person distil, or attempt to distil, native spirits, or own or possess either such spirit, or any vessels or materials prepared or intended for the manufacture thereof, he shall be fined ten pounds, and shall forfeit all such materials or vessels or spirits," is no longer expedient or suited to the wants and circumstances of our community, it is now resolved that the said resolution shall be, and is repealed.

Moved by the Lord Bishop of Rupert's Land, and seconded by the Lord Bishop of St. Boniface:

That, in consideration of the increased expense of living in Red River Settlement, and also of the increased duties of the offices now held by Mr. W. R. Smith, his salary be raised to the sum of one hundred pounds per annum, to commence from the first day of June, 1858.

Carried unanimously.

Moved by Mr. Inkster, and seconded by Mr. McBeath:

That the sum of six pounds per annum be paid to Mr. Thomas Thomas for salary as president of the Petty Court for the Lower District, to commence as from September 1st, 1857.

A petition was presented from André Harkness and others, requesting a public road on the left bank of the Assiniboine River.

Petition ordered to lie on the table.

A petition from the majority of the land holders of the parish of St. Paul's to compel the minority to aid in the improvement of the said locality, praying the Council to pass an act for the purpose.

Petition ordered to lie on the table.

Mr. Henry Fisher gave notice that, at the next meeting of Council, he will move the reconsideration of the laws relating to fires.

A true copy.
W. R. Smith, E.O.
24th June, 1858.

Minutes of a meeting of the Governor and Council of Assiniboia, held on the ninth day of December, one thousand eight hundred and fifty-eight; at which were present as follows:—

William Mactavish, Esquire, Governor of Assiniboia, President.

John Bunn, Esquire, Councillor of Assiniboia.

Rt. Rev. Lord Bishop of Rupert's Land, Councillor of Assiniboia.

Rt. Rev. Lord Bishop of St. Boniface, Councillor of Assiniboia.

Solomon Elmin [Hamlin], Councillor Assiniboia.

John Inkster, Councillor of Assiniboia.

Robert McBeath, Councillor of Assiniboia.

François Bruneau, Councillor of Assiniboia.

Pascal Breland, Councillor of Assiniboia.

William Mactavish announced to the Council that he had been appointed Governor of Assiniboia, and handed his commission to the Clerk of the Council to be read, after which the usual oath was administered as follows:—

"I hereby swear, in the presence of Almighty God, that I will truly serve our Sovereign Lady, the Queen, or Her Heirs and Successors, and all who now do, or hereafter may, lawfully

exercise authority under her, or them, and that I will faithfully discharge all and every the duties of Governor of the District of Assiniboia in Rupert's Land. So help me God."

After the minutes of the last Council were read, Mr. John Inkster declined entertaining his motion, and John Bunn, Esq., read the report of the Board of Works, as follows:—

Since the last meeting of Council, your Board have to account for the amount of work done, and the large expenditure incurred thereby.

The estimates fall short of the actual expense, and the grant for the year has been exceeded. But your Board indulge in the hope that the Council will approve of their operations, and sanction their expenditure. There have been built, on the White Horse Plain road, 3 bridges, which, including some material, have cost £71.13. The repairing of bridges, injured by the spring floods, has cost £15. 9. A small bridge at Jeanvienns cost £3 0. 0. And £12. 1. has been expended on the bridge at Rivière Salle; it is not yet finished, the contractor having failed in his promise, but he engages to have it done before spring. It is now viable, but requires a handrail. There has also been a small bridge behind Pritchard's at a cost of £2. 0. 0. in all, for bridges, £104. 13. 3.

A faggot road has been made, at Frog Plains, nearly 2,000 yards long; it has cost £199. 6. 0. On the east side of the main river, a faggot road, 388 yards, at a cost of £19 8. On the west side of the main river, a faggot road, of 106 yds. long, cost £7. 8. 3. On the road leading to St. James' Church, fagotting and repairing 200 yds. cost £9. At the back of Mr. Logan's 548 yds. cost £43. 18. 7. Altogether 3,268 yds. at a cost of £279. 0. 10. The old drain, originally made to protect the Frog Plain road, has been opened at a cost of £5. 0. 6. The whole expenditure incurred by the above detailed works amounts to £388. 19. 1. The grant of last Council was £300, and there remained a balance of £50 from the previous year. Your Board have, therefore, exceeded their authorized expenditure by about £40. This has arisen, in a great measure, from the excessive rise in the price of labour. Your Board had, therefore, a choice of difficulties; either to leave a portion of necessary work undone, or to trespass upon your indulgence, for which they now solicit an indemnity. Complaint has been made, against your Board, that they pay unconscionably high for work, especially for faggotting, but it is found that labourers will not work upon the public roads except at higher rates

than they get from private hirers, and when tenders are given in, after public notice, they are invariably very highly priced. It is found cheaper to make private contracts; and further, in comparing the prices of faggotting in this, with former years, it is found, upon the whole, that your present Board is below, rather than above the average. During the years 1854 & 55, there were made 2,137 yards of road, at a cost of £198. 19. 6., the average being 1/5¼ per yd. This year, there have been 3,268 yds., made for £279, the average 1/4¾ per yd.; so that, notwithstanding the difference between the prices of labour of this and of past years, the faggotting has been done at one half penny per yd. less than in former years. The community connected with Sturgeon Creek complain of the difficulty and danger of the passage there, and have petitioned for an efficient bridge. The most convenient place, as regards time and expence, for a bridge, seems to be about a mile above the mill dam, and an offer has been made to erect one for £70, which offer has not been entertained as the price was thought too high, but the necessary material must be procured this winter, and the bridge completed as soon as possible next summer. A road is being cut and cleared near Mapleton, but, as the work has not been completed, the expence is not known.

Your Board submit that it is necessary to make a further grant of £120 which, it is hoped, will meet any expense that may be necessary during the spring season, as well as cover the excess which has been expended.

Respectfully,

(Signed) JOHN BUNN,

Chairman.

It was moved by the Bishop of Rupert's Land, and seconded by the Bishop of St. Boniface:

That the Report of the Board of Works be received, and that a further grant of £120 be advanced to carry out the inten-

Judges for the Upper District.

Carried unanimously.

Dr. Bunn moved, and Mr. Bruneau seconded:

That Mr. William Dease be appointed one of the Petty Judges for the Upper District.

Carried unanimously.

The Bishop of Rupert's Land gave notice of a motion:

That a meeting of Council take place once at least every three months.

Mr. Bruneau gave notice that, at the next meeting of Council, he will move the reconsideration of the law for pigs.

The Bishop of Rupert's Land gave notice that he should, at the next meeting of Council move that a sum not exceeding £50 be given for the purpose of conveying the mail detained between this and Lake Superior.

The Bishop of Rupert's Land gave notice that he should, at the next meeting of Council, move, That the sum of two hundred pounds be granted by the Council, to meet a similar sum raised by the settlers, to assist in opening up communication with Canada by the Lake of the Woods.

A true copy.

W. R. SMITH, E. O.,
10th December, 1858.

Minutes of a Council of the Governor and Council of Assiniboia, held on the tenth day of March, 1859, at which were present, viz.:

William Mactavish, Esq., Gov. of Assiniboia, President.

John Bunn, Esquire, Councillor of Assiniboia.

The Rt. Rev. the Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Rev. the Lord Bishop of St. Boniface, Councillor of Assiniboia.

Robert McBeath,	Councillor of	Assiniboia.
Henry Fisher,	"	"
Thomas Sinclair,	"	"
François Bruneau,	"	"
Maximilien Genton,	"	"
John Inkster,	"	"
Solomon Emlin,	"	"
Pascal Breland,	"	"

Mr. Wm. Dease having refused the appointment of Petty Magistrate at the salary offered him (£5) as inadequate to the requirements of the duties to be performed, it was

Moved by the Bishop of St. Boniface, and seconded by Mr. Fisher:

That Mr. Wm. Dease be appointed Petty Magistrate for the Upper District, at a salary of £10 per annum.

Carried unanimously.

The motion of the Lord Bishop of Rupert's Land: That the Governor and Council shall hold meetings, once at least every three months.

Carried unanimously.

The motion of Mr. Bruneau for the reconsideration of the law for pigs: Mr. Bruneau submitted the following: If, between the 31st of March and the 1st November, any pig or pigs be found in any enclosed field without a yoke of one foot and a half wide, and one foot and a half in height, the owner of such pig or pigs shall not only be answerable for all damages within the said enclosure, committed by the said pig or pigs, but shall also pay a fine of three shillings for the seizure of the said pig or pigs. Furthermore, if, after the owners of the pigs have been warned by the proprietor of the enclosure to take his pigs away, and he neglecting to do so, the proprietor of the enclosure may, in that case, after the lapse of six hours shoot the said pig or pigs, and the owner of the pigs shall not recover damages for this act.

Referred to next Council.

The Bishop of Rupert's Land's two motions of last Council, referred to next Council.

A petition from the land holders on the east bank of Red River, situated from Pritchard's Point downwards, presented by Mr. R. McBeath, praying the extension of the road, on that side of the river, as far as Chas. Cook's lot.

Petition referred to Board of Works.

Mr. McBeath and Mr. Sinclair presented two petitions, one from the lower part of the Settlement, and the other from the upper part, as far as St. John's parish, as follows:

To the Governor and Council of Assiniboia, in Council assembled—

The petition of the undersigned inhabitants of this Colony humbly sheweth,

That, on the formation of Minnesota into a Territory, horn cattle, horses, flour and other articles, the produce of this Settlement, have been met, on their introduction into that Territory, by a duty of twenty per cent, on the bona fide value of the same articles in this Settlement. The same tariff of duty still exists, not only in Minnesota, but also in all the unorganized country to the west of Minnesota.

Your petitioners would humbly submit to your honourable Council that, if the Government of the United States feels itself bound, in duty, to protect, by the imposition of such high tariff of duty, the agricultural interests of its citizens, how much more does our agricultural interests, the only material interest of this

Colony, require protection—especially, when we consider the many great advantages which the American agriculturists possess: 1st In the low price which they pay for land; 2nd In a warmer climate; 3rd In the facility and cheapness with which they can procure all kinds of agricultural implements; and, lastly, in the activity and energy exhibited by the national Government to open up the ways of commerce.

Therefore, your Petitioners humbly pray that your honourable Council will be pleased to take our petition into your most gracious consideration, and trust that you will see the justice and expediency of passing a legislative act imposing an import duty of twenty per cent on Horn Cattle, Horses, Pork, salted or fresh, salted Beef, Flour, Indian Corn, & Biscuit, on being imported from the United States of America into this Colony.

And Your Petitioners will ever pray.

The Upper petition having 59 signatures, and
The Lower one " 29 "

—

88 Total signatures.

It was moved by Dr. Bunn and seconded by the Bishop of St. Boniface:

That the foregoing petition be laid on the table. Carried.

Mr. Robert McBeath, Mr. Thomas Sinclair, The Rt. Rev. the Lord Bishop of Rupert's Land, and The Rt. Rev. the Lord Bishop of St. Boniface, presented each a petition on the same subject, as follows:—

To the Gov. & Council of Assiniboia,

The petition of the undersigned Parishioners of St. John's Humbly sheweth,

That your Petitioners feel deeply the evils introduced into this settlement and Country by the large importation of spirituous liquors from the United States, and are most anxious that some steps be speedily taken to check the same.

That, while your Petitioners would leave to your wisdom the selection of the most suitable measure, they would suggest that, either a Tax per Gallon be imposed on it, or that a licence, and that of a considerable sum, be necessary for all who shall sell the same,

That, as a case in point, they would adduce the example of British Columbia, where a high Licence is taken out by those who sell any spirituous Liquors, and where the sum, derived from this source, has already been sufficient to found a School in Victoria;

That your Petitioners are persuaded that this evil, if not repressed by some legislative enactment, will hinder the progress of civilization in this land, and, above all, that it will effectually prevent the spread of the Gospel among the remnant of the Indian population.

And your petitioners will ever pray.

This petition had 39 signatures.

The other three Petitions (two of them in English, and one in French) are alike, and as follows:—

To the Honourable the Governor and Council of Assiniboia.

The Petition of the undersigned inhabitants of Red River Colony,

Humbly sheweth

That your petitioners observe, with deep regret, the large and constantly increasing importation of intoxicating liquors into this country, without any check or hindrance whatsoever;

That the whiskey imported from the United States is of the worst quality, containing ingredients which are positively poisonous, and therefore ruinous to health;

That your petitioners believe the unrestricted importation, and manufacture, of such liquors, will be fraught with consequences fatal to the moral and material interests of the Colony; while the effects among the Indians in, and around it, will, if possible, be still more deplorable, and all the efforts of pious missionaries for their social and religious improvements, utterly frustrated.

That, in the state of things so far beyond the reach of private effort, your petitioners consider the intervention of the Law as not only justifiable, but imperatively called for;

Wherefore, your petitioners humbly pray your Honourable Council to take this subject into your serious consideration, and enact such a law as will check this great and growing evil, —an evil which has caused more crime, more misery, and more useless waste, in countries where it has prevailed, than any other cause whatever.

And, while they would not presume to dictate what specific remedy should be applied, they would nevertheless beg to offer one or two suggestions.

They are of opinion,—

1st. That the importation of all impure or adulterated liquors, and of ingredients for the manufacture of such, should be totally prohibited.

2nd. That other liquors (not so prohibited) should be subjected on importation, to a duty of not less than five shillings (5/) per gallon.

3rd. That if impure, adulterated liquors be admitted (which your petitioners would much deprecate) they should be subjected to a duty of at least eight shillings per gallon.

4th. That a stringent licence system should be put in force in this Colony, regulating the sale and manufacture of all ardent spirits.

These suggestions your petitioners would humbly submit to your Honourable Council, simply adding that, while many of them would like to have a law enacted similar to what is commonly called the "Main Law," they would be satisfied, meanwhile, with any measure embodying the foregoing suggestions, or others equally effective. The great design of your petitioners being *the end,* they would leave the selection of *means* to the wisdom of your Honourable Council, feeling confident that the measures adopted will be the best practicable. And your Petitioners, as in duty bound, will ever pray, &c.

This petition had 146 signatures.

Another Petition, a copy of the above, purporting to come from the Parish of Saint Andrew's had 53 signatures, and the other one, in French, carried no signatures, but the following attestation.

Les temoins soussignés attestent que, dans une assemblée très nombreuse, convoquée et tenue à cet effet, dans une des salles de l'evêché de Saint-Boniface pendant la journée du 6 courant; tous les individus présents, après avoir entendu la lecture de la pétition ci-jointe, ont applaudi d'une voix unanime aux mesures qu'elle propose; que tous ont ouvertement exprimé le désir d'avoir, dans la Colonie, une loi qui, en fixant un impôt pour l'importation des liqueurs de quelque pays qu' elles viennent, établisse en même temps un système de licence, pour en régler la fabrication et la vente.

(Signed) Alex. *Eveque de St. Boniface, O.M.I.*

" Amable Thebeault Leveille.

After some discussion on the foregoing Petitions,

It was moved by the Bishop of St. Boniface, and seconded by the Bishop of Rupert's Land,

That a Committee be appointed to take into consideration the draft of a system of Laws to regulate the importation of spirituous liquors into the Settlement.

Carried unanimously.

It was moved by Mr. Bruneau, and seconded by Mr. Fisher,

That the Bishop of Rupert's Land, the Bishop of St. Boniface, Mr. Inkster, Mr. McBeath, and Mr. Emlin be appointed as a Committee to carry out the preceding motion.

Carried unanimously.

Two Petitions, one in English and one in French, were presented by Pascal Breland, Esquire, from the inhabitants of Assiniboine River, viz:

The Petition of the undersigned inhabitants of Red River Colony

Humbly sheweth

That we, the undersigned inhabitants, residing on the Assiniboine River, feel aggrieved in a certain particular, and beg to represent our case to your Honourable Council, feeling confident that you will take the matter into your consideration.

That there is very little wood on this river; and there is no place where wood can be procured, except at a great expense; and that, therefore, it is very important that we should preserve what is, for our own use; if every stranger can take away, at his pleasure, whatever amount of wood he chooses, we will soon be left without the means of keeping up our establishments, in the way both of firewood and building timber;

That, unless a check be applied, ere another winter come round, we will be without wood;

Wherefore, your Petitioners humbly pray your honourable Council,

1st To appoint one or two persons to guard the woods of this River, so as to prevent their being taken away,

2nd That no one be allowed to remove wood from said river unless for such public works as bridges, churches, schools, &c., and even in these cases, permission to be given only when the timber cannot be procured easily elsewhere;

3rd To hinder all from taking wood on parts as yet unsettled, unless they have permission from those appointed to guard said wood;

4th That the wood of this river be used only by the inhabitants living thereon, and for their own proper use, not disposing of it to inhabitants of other parts of the settlement;

5th That those at present doing a large business up the River, give the first choice to the inhabitants of said River,—first choice of their wood, that those who need may have it for themselves or for public works at the same price for which they contracted at first;

And your Petitioners, as in duty bound, will ever pray, &c.

Signed by 62 names
A French Copy Signed by 120 names.

Total, 182 signatures.

Doctor Bunn moved, and François Bruneau, Esq., Seconded,

That the Council take the Prayer of this Petition into their consideration.

The Lord Bishop of St. Boniface presented and read a Petition from Roger Goullet, concerning the difference of the Lines existing on some of the Lots in the upper parts of the Red River. The matter referred to the Hon'ble H. B. Coy's Agents at Fort Garry.

Dr. Bunn moved, and Mr. R. McBeath seconded,

That Thomas Sinclair, Esq., be appointed President of the Lower District Petty Court, in place of Thomas Thomas, deceased, and at the same salary.

It was moved that this Council do now adjourn.

A true copy.
W. R. Smith, C.C.

Minutes of a Meeting of the Governor and Council of Assiniboia, held on the Twelfth day of May, One Thousand Eight Hundred and Fifty nine, at which were present the following Members of Council:

William Mactavish, Esquire, Govr. of Assiniboia,		President.
John Bunn, Esquire,	Councillor of	Assiniboia.
Rt. Revd. the Bishop of Rupert's Land	do	do
Rt. Revd. the Bishop of St. Boniface	do	do
Salomon Hemlin,	do	do
John Inkster,	do	do
François Bruneau,	do	do

Pascal Breland	do	do
Robert Macbeath,	do	do
Thomas Sinclair,	do	do

After the minutes of the last council had been read, it was stated—That Mr. James Ross had been appointed Post Master in place of James Stewart, resigned, at a salary of Ten Pounds Sterg. per annum.

It was moved by John Bunn, Esqr. and seconded by Robert McBeath, Esqr.,

That the Governor of Assiniboia be empowered to make all necessary arrangements concerning the Postal affairs.

Carried unanimously.

It was moved by John Bunn, Esquire, and seconded by the Bishop of St. Boniface,

That a sum of money be placed at the disposal of the Governor of Assiniboia, to defray such expences as may be incurred in instituting an enquiry in Canada regarding the disappearance of George Lyons, in October, 1853.

Carried unanimously.

Moved by Robert McBeath, Esquire, and seconded by Thomas Sinclair, Esquire,

That the sum of Five Hundred Pounds be applied for the improvement of Roads and Bridges, for the current year.

Carried unanimously.

Moved by Robert McBeath, Esquire, & seconded by Thomas Sinclair, Esquire,

That the Governor of Assiniboia the Rt Rev. the Lord Bishop of Rupert's Land, the Rt Revd. the Lord Bishop of St. Boniface, and Doctor Bunn, be appointed a committee to draw out Resolutions to regulate the importation of spirituous Liquors into the Settlement.

Carried unanimously.

Moved by the Bishop of Rupert's Land, seconded by Doctor Bunn,

That Mr. John Taylor be appointed Petty Magistrate for the White Horse Plain District, and that the said District be now considered to extend downwards as far as Sturgeon Creek.

Carried unanimously.

It was moved by the Bishop of St. Boniface, seconded by François Bruneau, Esquire,

That from, and after the 1st July, 1859, it shall not be lawful to cut any timber on any unoccupied Land on the banks

of the Assiniboia River, excepting for the use of the inhabitants of that River, and also for any public Works; and that Pascal Breland, Esqr., and Mr. Charles Baron be appointed to carry this Law into effect, and shall have power to seize all wood cut contrary to the conditions of this Law—and the wood so seized to be sold for the benefit of the Public Fund.

Carried unanimously.

François Bruneau, Esquire, submitted the following Law for Pigs:—

If, between the 31st March, and the 1st November, any pig or pigs be found in any enclosed field, without a Yoke of One Foot and a half wide, and One Foot and a half in height, the Owner of such Pig or Pigs shall not only be answerable for all damages committed by said Pig or Pigs, but shall also pay a fine of Three Shillings for the seizure of the same—Furthermore, If, after the owner of the Pig or Pigs has been warned by the proprietor of the enclosure, to take his pig or pigs away, and he neglect to do so, in that case, the proprietor of the enclosure may, after the lapse of Six Hours, shoot the said Pig or Pigs, and the owner shall not recover any damage for this act—And any person taking any pig or pigs according to this law, shall be allowed 6d. per diem for the maintenance of each, to be paid by the owners of pigs so taken.

Carried.

A True Copy

W. R. Smith, C. C.

Minutes of a Council of the Governor of Assiniboia, held on the Twenty Sixth day of May, One Thousand Eight Hundred and Fifty nine—At which were present the following Members of Council, Viz:—

William Mactavish, Governor of Assiniboia,	President.
John Bunn, Esquire,	Councillor of Assiniboia.
Rt. Revd. The Lord Bishop of Rupts. Land	" "
Rt. Revd. The Lord Bishop of St. Boniface	" "
Salomon Hemlin	" "
John Inkster	" "
François Bruneau	" "
Pascal Breland	" "
Robert MacBeath	" "
Maximilian Genton	" "

After passing Mr. Bruneau's Law for Pigs, which was submitted to the Council at its last Meeting, the following amend-

ments were moved by John Bunn, Esquire, and seconded by the Lord Bishop of St. Boniface:

First. To protect incautious persons from the injurious effects of using impure Spirits: It shall not be lawful to import or sell, any Spirits adulterated with Vitriol, Turpentine, Strychnine, Cocculus Indicus, Tobacco, or any poisonous or deleterious substance whatever;—And any person convicted, on sufficient evidence, before a petty Court, of having adulterated Spirits in possession, shall be condemned to the forfeiture of the same, and all such spirits shall be destroyed in the presence of any Magistrate, whether of the Peace or of Petty Court—And any person convicted, on sufficient evidence, before said Court, of selling adulterated Spirits, shall, for each offence pay a fine of Twenty pounds Sterling, or, at the discretion of the Court, be imprisoned for not more than three calendar months—A reward of Ten pounds Sterling to be paid, on each conviction, to any person or persons who shall give such evidence as shall secure conviction.

Second. That it shall be lawful for the Bench of Magistrates of the Peace and Petty Court, in their several Districts, assembled on the first Monday of the month of June, in each year, to issue Licences, for one year only, to approved applicants (who shall be Landholders in this Settlement) allowing the sale by retail of all Spirits lawfully imported, or of native manufacture (all quantities under five gallons shall be counted retail) and that a sum of Ten pounds, be paid for each Licence so issued. The number of Licences shall not, for this year, exceed Twenty for the whole Settlement. And any person selling spirits by retail, without such Licence, shall, on conviction before a petty Court on the oath of one or more witnesses, for each offence pay a fine of Ten Pounds Sterling, and be imprisoned until the fine be paid, one half of the fine shall go to the informer—And the form of the Licence shall be according to the Schedule A. And any offence against the provisions of said Licence shall be punished by forfeiture of the same. Schedule A. This is to certify that you..... are hereby permitted to sell any Lawful Spirits in any quantity under five gallons, to any person or persons, subject to the following restrictions: Not between the hours of Nine o'Clock at night and Six o'Clock in the morning; not in any hour during the Sabbath—not to any Intoxicated person;) Never to any Indian, or person popularly known as an Indian; any act contrary to the above restrictions shall make your Licence, void,

and of none effect—This licence shall continue in force for Twelve Calendar Months.

Third. That it shall not be lawful to sell any intoxicating liquor to any person popularly known as an Indian, and any person convicted, before a Petty Court, on the oath of one or more witnesses, shall be assessed in the following penalties, viz:

For selling Beer or any fermented liquor to any Indian or Indians, the penalty shall be a fine of Five Pounds Sterling for every offence, with imprisonment until the fine be paid. The whole of the Fine to go to the informer.

For selling Distilled spirits to any Indian or Indians, the Penalty shall be a fine of Ten Pounds Sterling for each offence, with imprisonment until the fine be paid; one half of the fine to go to the informer.

Fourth. That it shall be lawful for each Petty Court, out of the fund arising from Licenses and Penalties, to defray any necessary expences incurred in enforcing these three resolutions, accounting to the Governor and Council for all such receipts and expenditures.

Lastly. That all spirits imported before the 1st of May, 1859, shall not be seizable before the first Monday of July of this year. And all spirits imported before the first day of May of this year, may be sold without Licence until the first Monday of July of this year.

Minutes of a Council of the Governor & Council of Assiniboia held on the 7th day of December, One Thousand eight hundred and fifty nine; at which were present, viz:—

William Mactavish, Esquire, Govr. of Assiniboia President.

Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

Rt. Revd. The Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Bunn,	Councillor of	Assiniboia.
John Inkster,	"	"
Pascal Breland,	"	"
Salomon Amlin,	"	"
Henry Fisher,	"	"
Maximilian Genton,	"	"
Robert McBeath,	"	"
Thomas Sinclair,	"	"
John E. Harriott,	"	"

John E. Harriott, having presented his commission, was sworn in as a Councillor of Assiniboia, in the usual manner.

Mr. Smith presented the Public accounts for the Year ending 31 May, 1859, shewing a Cr. Balance, in favour of the Public Funds of the Governor & Council of Assiniboia, the sum of £1350. 4. 7½.

It was moved by the Bishop of Rupert's Land, and seconded by the Bishop of St. Boniface,

That the last year's accounts, now presented, do pass.

Carried unanimously.

It was moved by the Bishop of Rupert's Land, and seconded by Mr. Harriott,

That the Postmaster be instructed, in conjunction with the Governor of Assiniboia, to send an extra messenger to forward the return mail to Pembina. Carried unanimously.

It was moved by the Bishop of Rupert's Land, and seconded by Mr. Sinclair,

That all News Papers direct from the Publishers of Red River, be free of all postage, and also all exchange News Papers.

Carried unanimously.

John Bunn, Esquire, Chairman of the Board of Works, gave in and read the following report:

To The Governor & Council. It is respectfully presented by the Board of Works.

That, at the commencement of this finance year, a balance remained of last grant, amounting to £40. The grant of the current year was £500. A transfer from the Licence fund of this District, amounting to £33, and incidental payments amounting to £10.10., in all making the disposable sum of £586. 10., which has been expended in the following manner:

At the White Horse plain there has been made some 900 yds. faggotting. A Bridge has been built over the Sturgeon Creek; on the West Bank of the Main River 1616 yards of the road has been faggotted; the River Selle Bridge has been once more put into efficient repair; the River passage has been widened to 40 feet, which it is hoped, will prevent its being again carried away by the ice; the span is made upon the suspension principle, and appears a very creditable piece of workmanship; it has proved very expensive, but the great increase of traffic in that direction made the want of a bridge severely felt, and was a heavy tax upon passengers. It is hoped that

the expense has not been incurred unnecessarily nor unprofitably. A Road has been opened through the woods on the South bank of the Assiniboine River, five miles in length. The Rivière La Sienne bridge, which is almost annually carried away by the Spring freshets, has been raised and lengthened, and a quantity of stones has been contracted for, to prevent its rising with the water. Some faggotting and repairs have been made on the road leading from the Rivière La Sienne to Bunn's Creek; the continuation of this road from Bunn's creek to Charles Cook has been surveyed, marked out, and measured, but from want of funds, has not been opened. There has been some faggotting done between Parks Creek and Stone Fort. Various other expences have been incurred, of which there is annexed a detailed account. As there will necessarily arise some expenditure before the opening of next season, it is solicited that a sum of, say £50, be placed at the disposal of your board, to meet any contingency that may arise.

The superintendence of Roads and Bridges has become a labour so great, and so widely extended, that it can no longer be efficiently performed by the board, as at present constituted. The Board would, therefore, pray that this Council do adopt such measures as they may, in their wisdom, think proper, to secure the proper performance, and economical management of the Public works and the Public funds.

Annexed is an abstract amount of the receipt and expenditure of this season.

Respectfully,

JOHN BUNN,
Chairman.

Abstract annexed to the foregoing Report:—

John Bunn, Esqr., then moved, and the Bishop of Rupert's Land seconded,

That the sum of £50 be granted to the Board of Works.

Carried unanimously.

Dr. Bunn moved, and seconded by the Bishop of St. Boniface,

That in order to maintain with due economy and in proper efficiency, the Roads and Bridges of the Settlement; It is resolved, that each District Court shall, for and within each several District, be constituted a Board of Works, to exercise all such authority, and perform all such duties, as have been

hitherto performed by the Board of Public Works which is now abolished.

Carried unanimously.

Doctor Bunn presented the following Petition:—

To the Governor and Council, Assembled at Red River, Petition of James Mulligan, Pensioner, resident of Red River,

Petitioner humbly sheweth that, having obtained privileges by Licence to keep and retail Spirituous Liquors, he purchased a large quantity of Spirits, to the amount of 200 galls. but, unfortunately, being suddenly deprived of his Licence, the whole of this large stock remains unsold, to the great injury of his very large and helpless family. Petitioner humbly reminds the Council to the mean and combined manner into which he was led into the infringement of the late Liquor Laws, humbly trusts that they will mercifully consider his case, when he pledges himself to be more guarded in future, and faithfully to comply, in every particular, with the laws of the Council. Petitioner will ever pray.

(Signed) James Mulligan.

The Council ordered, That Mr. Smith inform the Petitioner that this Council will not interfere.

The Rt. Reverend Lord Bishop of St. Boniface presented three petitions from the inhabitants of Red River, the following being a copy, viz.:—

A Petition

To the Governor and Council of Assiniboia from the inhabitants of Red River Settlement:

Your Petitioners humbly shew,

We, the undersigned inhabitants of Red River Settlement, beg leave to state, from reliable information, to your Honourable Council in Assembly;

Firstly. That the Steam Mill of Red River Settlement, which has been of such an immense benefit to the Public of this Settlement, in various ways, will, in a very short time, be totally unfit to carry on work, on account of the dilapidated state of the boiler, caused by the incompetency of the first engineers;

Secondly. That "The Red River Steam Mill Co." have already expended the large sum of £1,600 on this Mill, and

have not as yet received, neither do hope to receive, one farthing in return for so great an outlay, and cannot be expected to go to the additional expense of purchasing another Boiler, in their present reduced circumstances, but are ready and willing to undertake the replacing of another boiler, if encouraged by assistance;

Thirdly. That the Wind and Water Mills, especially during our severe winter season, are altogether inadequate to meet the pressing demands for grinding, and that this demand can only be met by keeping the Steam Mill in operation;

Fourthly. That we, the undersigned, do individually pledge ourselves to render all the assistance in our power, when called upon, to aid "The Red River Steam Mill Co." in replacing a Boiler in their Mill, rather than the Mill should be stopped and we should be reduced to the certain distress which would ensue from such an event; the lowest estimated sum requisite for the purpose being no less than £200.

Therefore, we, the undersigned inhabitants of Red River Settlement, do humbly pray your Honourable Council to grant, from the Public Funds, to the Red River Steam Mill Co. the sum of One Hundred Pounds Sterling, or such a sum as you may deem proper, to assist them in furnishing another Boiler, and keep the Mill in operation.

And your Petitioners, as in duty bound, shall ever pray.

It was then moved by the Rt. Rev. the Bishop of Rupert's Land and seconded by Mr. Thomas Sinclair,

That a sum of One Hundred Pounds Sterg. be granted by this Council, and payable only when One Hundred Pounds shall have been subscribed by the Settlement, for the purchase of a Boiler for the Engine of the Red River Steam Mill Co.

Voted for the Motion

1 The Lord Bishop of Rupert's Land.
2 Mr. John Inkster.
3 Doctor Bunn.
4 Mr. Harriott.
5 Mr. Sinclair.
6 Mr. Rt. McBeath.

Voted against the Motion

1 The Lord Bishop of St. Boniface.
2. Mr. Salomon Amlin.
3 Mr. Pascal Breland.
4 Mr. Maximilian Genton

5 Mr. Henry Fisher.

Motion deferred, not being unanimous.

Minutes of a Meeting of the Governor and Council of Assiniboia, held on the Twenty Seventh day of February, One Thousand Eight Hundred and Sixty.

Present.

William Mactavish, Esquire, Governor of Assiniboia, President.

The Rt. Revd. the Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Revd. the Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Bunn,	Councillor	Assiniboia.
Salomin Amlin,	do	do
Pascal Breland,	do	do
John Inkster	do	do
Henry Fisher,	do	do
Maximilian Genton,	do	do
Thomas Sinclair,	do	do
John E. Harriott,	do	do
Robert McBeath,	do	do

After the minutes of the last council had been read,

It was moved by the Lord Bishop of St. Boniface, and seconded by Henry Fisher, Esquire,

"That the Editors of the 'Nor Wester' (1) be authorized to assist at the deliberations of the Council of Assiniboia."

Dr. Bunn moved the following amendment:

"That it is not expedient to permit any strangers to be present at the deliberations of the Council of Assiniboia."

Votes for the Motion

1. Bishop of St. Boniface.
2. Henry Fisher, Esqr.
3. Robert McBeath, Esqr.
4. Pascal Breland, Esqr.

Total for the Motion 4.

For the Amendment.

1. Doctor Bunn.
2. Bishop of Rupert's Land.

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(1) The Nor Wester was established the previous year by Messrs. Buckingham and Coldwell. The former was later Private Secretary the Hon. Alex. McKenzie when Prime Minister.

3. John Inkster, Esqr.
4. John E. Harriot, Esqr.
5. Thomas Sinclair, Esqr.
6. Maximilian Genton, Esqr.
7. Salomon Amlin, Esqr.

Total for the Amendment 7.

Motion lost.

The Motion of the Lord Bishop of Rupert's Land for the Grant of One hundred Pounds to the Red River Steam Mill Company was brought forward, when the Votes were as follows:—

For.	Against.
1. Lord Bishop of Rupert's Land.	1. J. E. Harriott, Esqr.
2. Thomas Sinclair, Esqr.	2. Robt. McBeath, Esqr.
3. John Bunn, Esqr.	3. S. Amlin, Esqr.
4. John Inkster, Esqr.	4. H. Fisher, Esqr.
Total, 4.	5. Lord Bishop of St. Boniface.
	6. Maximi. Genton, Esqr.
	7. P. Breland, Esqr.
	Total, 7.

Motion lost.

The following Letter was then read:

To

The Honourable,
The Governor & Council of Assiniboia.

Gentlemen,—

I beg leave to lay before you an application for the appointment as surveyor (or one of the surveyors) of the settlement, and trust that by close attention to business to give satisfaction to all parties by whom I may be employed.

Also, Gentlemen,

Should you be pleased to appoint me as Surveyor, and Inspector of Public Work, that I should be able to reduce the Expenditure of Public Funds on Roads and Bridges by making out estimates as to quantities required, and sending in plans for Bridges, so as to enable the Council to know the amount of labour to be done, and a near estimate of money required for each piece of work done, before letting out the contracts.

An early reply would much oblige,
Gentlemen,
Your humble & obt. Servant,

It was then moved by John Bunn, Esqr. and seconded by Robt. McBeath, Esqr.,

"That Mr. Sabine be placed on the same level with the other Surveyors of this Settlement. And that the latter part of Mr. Sabine's request be laid on the Table, for future discussion.

Carried unanimously.

Le 4 Février, 1860.

A l'honorable,

Le Gouverneur et Conseil d'Assiniboia.

La Pétition des soussignés montre humblement,

Que sous l'arrangement des affaires qu'il y a à présent, vos suppliants se trouvent beaucoup en pein dans cette chose-ci: qu'il n'y a personne lans la Prairie du Cheval Blanc qui est autorisé de donner un Warrant. Mr. Bruneau qui est plus de 20 milles de nous est le seul homme à qui on peut aller pour celà. De plus, il est President de nos cours en préférence de tout chacun dans cette Paroisse vous suppliants ne nient point que Mr. Bruneau est bien capable pour ses devoirs, ni disent ils qu'il ne devrait pas être President de leur Cours. Mais ce qu'ils disent est qu'ils ne devraient pas être obligés d'aller 20 milles chaque fois qu'ils désirent un Warrant. C'est pourquoi qui nous exprions votre honorables conseil que Monsieur Pascal Breland soit authorisez élu President de nos cours dans la Paroisse de Saint Francois Xavier District de la prairie du Cheval Blanc nous avons l'espoires que nous trouverier notre demands raisonnable. Et vos suppliants prients respectueuesment de considérer le sujet de cette Petition et de répondre dans une manière telle qu'elle soit agréable à leur veux.

Signed by 64 signatures.

Answer to the above Petition, as far as relates to the President of the White Horse Plains Local Court, is:

That, at the conclusion of the Judicial year of the President, the request of the Petitioners will be attended to,—but the Governor & Council have not the power of making a Justice of Peace.

The following letter from Andrew McDermot, Esqr., was read:

Red River, Feby. 15th, 1860.

To The Governor and Council of Assiniboia,

Gentlemen,

If the public funds is to be distributed for the purpose of raising steam for the lower Settlement exclusively, I would respectfully request your Honourable Council would allow me an equal portion for the same purpose for the Upper Settlement as I am bringing a Steam Mill this Spring from Fort Abercrombey, and I cannot see why one part of the Settlement should be preferred to the other. I have to pay this week £76 for duty, and I should be sorry to see it turned over for the above purpose without getting a share of it merely for the same use.

I am, Gentlemen,
Your obedt. Servant,
(Signed) Andw. McDermot.

Ordered to lie on the Table.

The following Petition was presented by Pascal Breland, Esqr., from the inhabitants of the Assiniboine River:

To the Governor & Council of Assiniboia,
The Inhabitants of Assiniboine River

Sheweth,

That, for some time past, it has been the practice of the Board of Works, when any part of the surveyed Road, in this part of the Settlement, got bad, and unfit to pass over, that, in place of mending it, as it was their duty to do, in this part of the Settlement as well as in other parts of it, they have very unceremoniously, and without any regard to the rights of personal property, shifted the roads through the purchased Lots of the Settlers, thereby destroying their lands, and depriving them of what is justly their own.

Several cases of this might be shown, but we will confine ourselves to the last acts of aggression on their part, namely, the shifting of the Bridge on Sturgeon Creek, as this is a circumstance which concerns all of us. This Bridge has been put far back from the surveyed road, and thereby will cause the Road to take a direct route through the Lands of every person that is nigh to the place.

We, the undersigned, therefore, by mutual consent, and inspired by the same common feeling, have come to the following considerations:

First. We consider that it is unjust. No man has a right to come in our Barn-Yard, and take a part of our crop, and we would consider it an act of injustice to do so, but this act is parallel to it. The lands are just as much our own as our Stacks of Wheat are, and whether a man takes our land or our Wheat we consider it as equally an infringement on the right of man, and a violation of Justice. There is a surveyed Road here already, why not keep it? Why not repair it, if it is out of repair, as is done in other parts of the Settlement?. This we would not complain of, but we certainly do complain that another part of our Lands are to be taken from us, and cut up, and destroyed by a Public Road, and we think our complaint is just. We do not want to shift the Surveyed Road, and the old Road would be of no use to us; we want the Surveyed Road to be The Road still, and we want to keep our own ground still.

We therefore unanimously protest against it, as it is against all British Laws and British equity. Again, apart from the injustice of it, we would show the inconvenience of it. By the Bridge thus thrown so far back, and consequently the Road with it, will cause us much more time and trouble, because it will take more time to get out to the Road; one going in the Surveyed Road might be a long way down the Settlement before another could get out to the Road that is now proposed; we fully believe it to be about 2 miles out from the original Surveyed Road.

Having thus shown you the injustice and inconvenience of this proceeding to the inhabitants of this place, we candidly ask you: Will you take the Bridge away from where it now is, and put it to the Surveyed Road, where it ought to be, in all justice? Or will you not, but are determined to let it stand where it is? We wait an answer which, we hope, will be sent us as soon as possible after the sitting of the Council.

106 Signatures to the above Petition. In answer to the foregoing Petition.

The Council decided, That the Petitioners be requested to send in a Plan and Estimate of the expence, and also a person to undertake the removal and erecting of the said Bridge, to the Governor & Council of Assiniboia, who will take into consideration the practicability of adopting it. It was moved by

the Lord Bishop of St. Boniface, and seconded by Henry Fisher, Esqr.,

That the Public Accounts be published in the 'Nor Wester' and explanation given to the correspondent of the Editors who signs 'John Bull,' tending to make him understand that the Council is deserving of no blame for not having delivered the Public Accounts to the press sooner, since as recently as the last session of the Council a newspaper had not yet been published in the Red River Settlement.....

Carried unanimously.

It was moved by the Lord Bishop of St. Boniface, and seconded by Solomon Hamelin, Esquire,

That neither the Council nor the different Courts of Assiniboia be held on the following festival days: 1st The Circumcision, 1st January; 2nd The Epiphany, 6th Jany.; 3rd The Annunciation, 25th March; 4th The Ascension; 5th Corpus Christi (the Thursday after Trinity Sunday); 6th St. Peter and St. Paul, 29th June; 7th All Saints, 1st Nov.; 8th The Immaculate Conception, 8th Dec., 9th Christmas, 25th December.

Carried unanimously.

It was moved by the Lord Bishop of St. Boniface, and seconded by Solomon Hamelin, Esquire,

That, in difficulties arising between persons who take land outside of the part of the Colony already surveyed, or even that exceeding the limits of the Colony, the Magistrates be authorized to take for the principle that 12 chains shall be the limit of preemption right arising from occupation.

Carried unanimously.

It was moved by John Bunn, Esquire, and seconded by His Lordship the Bishop of Rupert's Land,

That the sum of Thirty Pounds Sterlg. be placed at the disposal of the Governor of Assiniboia, to meet the contingent expences arising from the presence of the Sioux Indians.

It was moved by Pascal Breland, Esquire, and seconded by John Bunn, Esquire,

That the Premium on Wolf heads shall be; for Large Wolf heads, Five Shillings and Two Shillings & Sixpence for the small ones....

Carried unanimously.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the Twenty Seventh day of March, One Thousand Eight hundred and sixty.

PRESENT

William Mactavish, Esquire, Governor of Assiniboia President Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

Rt. Revd. The Lord Bishop of St. Boniface Councillor of Assiniboia.

John Bunn,	Councillor	Assiniboia.
Henry Fisher,	"	"
François Bruneau,	"	"
Salomon Amlin,	"	"
Pascal Breland,	"	"
John Inkster,	"	"
Robert McBeath,	"	"
Maximilian Genton,	"	"
Thomas Sinclair,	"	"
John Ed. Harriott,	"	"

After the minutes of the last Council had been read, the following Petition was presented by the Governor of Assiniboia, and read by the Clerk of the Council.

To the Governor and Council of Assiniboia;

The Petition of the inhabitants of St. James' Parish, Assiniboine River, Humbly Sheweth,

That it has been the practice of the Hudson's Bay Company, when selling lands to Settlers, to grant them two miles more than what they actually purchased, as a privilege for hay ground; but, owing to the winding of the River, this could not be granted to all the Settlers, as the Privilege ground of some Settlers runs across the top of the Purchased ground of others, so those who are thus situated must go outside of all these Privilege grounds to look for their hay.

Your Petitioners therefore consider that, as all are paying alike for their ground that it is but right that all should enjoy the same privileges, and also that if the Hudson's Bay Company cannot *sell* these privilege grounds, that they are equally unable to *give* it to any person;

Your Petitioners therefore pray that, in order to give to each settler equal privilege to the hay ground, that you will

be pleased to take it under consideration, and repeal this common law and grant that one and all may have the liberty of looking for their hay where they choose, as long as they do not encroach upon the grounds that are actually purchased.

And your Petitioners, as in duty bound, shall ever pray.

Signed by 63 signatures.

The answer to the above Petition was,

That it is not expedient to comply with the prayer of this Petition until we shall have ascertained the state of public opinion upon this question.

Unanimously carried.

Doctor Bunn presented the estimates of expences for Roads and Bridges in the Middle District, for the current year 1860/61.

A bridge at Pierre Parenteau's 20 feet long.

A faggot road opposite Stinking River 200 yds. long.

A bridge on this side of Fran's Commis' 30 feet long.

A bridge at Izastes' Creek 30 feet long.

A bridge at Point Coupé 20 feet long.

Estimated Expence £80. 0. 0.

A faggot road at Js. Hallett's 150 yds. long, with a bridge at the centre.

Repairs of Mirey Creek Bridge.

Repairs at Colony Creek Bridge and faggotting 140 yds.

Estimated Expence at £40. 0. 0.

Scotch Road, from German Creek downwards.

Faggotting and Bridges estimated at £30.

Road from German Creek upwards to old Farm, estimated at £30. 0. 0.

Repairing Bridge at Louis Thebeault's Estimated at £5. 0. 0.

Repairing Bridges between Fort Garry and St. John's Church, Estimated at £10. 0. 0.

South Bank of Assiniboia Road, faggotting and Bridging, Estimated at £30. 0. 0.

Scow for Main River, near Rivière Salle, Estimated at £10. 0. 0.

In all, say, £235; allowing £5 for contingencies, say, £240 to be placed at the disposal of the Middle District Court.

Mr. Breland also requested that the sum of £150 be placed at the disposal of the White Horse Plains District Court, for the current year's estimates for Bridges, Roads, &c.

Mr. T. Sinclair also requested the sum of £200 to be placed at the disposal of the Lower District Court, to meet the expences of repairs of Roads & Bridges, &c.

The whole of these estimates were unanimously granted. It was proposed by John Bunn, Esquire,

That the Governor of Assiniboia be empowered to negotiate with Mr. Dease for the more efficient collection of the Revenue, grounded upon principles contemplated by the Governor and Council.

Carried unanimously.

It was moved by Mr. Sinclair, and seconded by Mr. Harriott, That the Governor of Assiniboia be authorized to employ a Surveyor to examine the site for building the Bridge at Scratching River.

Carried unanimously.

Minutes of a Meeting of the Governor and Council of Assiniboia, held on the 10th of May, One Thousand Eight Hundred and Sixty.

Present.

William Mactavish, Esquire, Governor of Assiniboia, President.

The Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

John Bunn,	Councillor of Assiniboia.
John E. Harriott,	Councillor of Assiniboia.
Robert McBeath,	" "
Thomas Sinclair,	" "
John Inkster,	" "
Henry Fisher,	" "
François Bruneau,	" "
Salomon Amlin,	" "
Pascal Breland,	" "

After the minutes of the last Council had been read, the two following "Tenders" were read by the Clerk of the Council:

"1st Tender"

To the Governor & Council of Assiniboia.

Gentlemen,

In reference to the bridge over the Sturgeon Creek, for which plans and estimates have been asked, I beg to say that

I am prepared to build and finish a good, substantial bridge there for the sum of £194. 10 shillings, said bridge to be about one quarter of a mile above Grant's Old Mill-dam, its length to be 74 yds. or 222 feet, and breadth 20 feet, which will make 17/6½ per foot. You may rely upon it that I shall do the work as it should be done, and the bridge that Mr. Garrett made on the Sturgeon Creek will not do for any part of the new bridge, the bridge being only 12 feet broad.

I remain, Gentlemen,
Your obedient servant,
(Signed) JOHN ATKINSON.

"2nd Tender"

To the Governor & Council of Assiniboia.

Gentlemen,

In reference to the bridge over the Sturgeon Creek, for which plans & estimates have been asked, I beg to make the following offer:—build and finish a good, substantial bridge there for the sum of £186 Stg. said bridge to be 400 yards above "Grant's Mill-dam"; its length to be 80 yds. or 240 feet, & breadth 18 or 20 feet.

Presuming the bridge to be 240 feet long, the charge is at the rate of 15/6 per foot; but should the bridge be longer or shorter by only a few yards, the charge would still be the same per foot, I have already ascertained that I can have all the necessary wood & necessary workmen, so that if the work were entrusted to me, I would commence to it almost immediately, & guarantee its being completed by the latter end of August.

As an evidence that the work would be done in a good & substantial manner, I would refer your honourable Council to the other bridges which I have constructed in different parts of the Settlement.

I remain, Gentlemen,
Your obedient servant,
(Signed GEORGE FLETT.

It was then resolved that a Bridge be built at Sturgeon Creek, on condition that the contractor shall find security for the whole value of the Bridge, for its efficiency and stability, for the term of three years.

Carried unanimously.

Resolved—that authority be given to the Court of the Middle District to negotiate with Mr. George Flett, on the conditions specified in the above resolution.

Carried unanimously.

Resolved,—That a grant of money be placed at the disposal of the Court of the Middle District, to carry into effect the above resolution.

Carried unanimously.

Resolved—that authority be given to the Governor of Assiniboia to engage Mr. William Dease as Collector of Duties for all imports from and through the United States.

Carried unanimously.

Minutes of a Meeting of the Governor & Council of Assiniboia, held on the Fourth day of September, One Thousand eight hundred and sixty.

At which were present

William Mactavish, Esquire, Governor of Assiniboia, President.

Rt. Revd. The Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Bunn,	Councillor of	Assiniboia.
François Bruneau,	"	"
John Inkster,	"	"
Maximilian Genton,	"	"
Robert Macbeath,	"	"
Thomas Sinclair,	"	"

The Governor of Assiniboia stated that he had, in compliance to a Resolution passed at the last meeting of the Council, engaged Mr. William Dease as collector of Duties for all imports from, and through, the United States of America, at Point Coupé, but was sorry to say that this appointment had failed in producing the effects expected in the collecting of the Revenue, under the present system.

John Bunn, Esquire, then made a Motion,

That a sum of not less than Four hundred Pounds Sterling be placed at the disposal of the Governor of Assiniboia, for the purpose of erecting a Custom House, and Bonding Store. And that One hundred Pounds Sterling be granted Per Annum to pay a resident Collector.

A Motion was made by the Lord Bishop of St. Boniface;

That a Duty of Three Shillings per Gallon be charged upon all imported Wines and Spirituous Liquors.

A motion was made by the Lord Bishop of St. Boniface; That the Licence Law shall, hereafter, be extended to Beer and Wine.

The Governor of Assiniboia informed the Council that Mr. F. Bruneau had resigned his office as President of the White Horse Plain District Local Court, and also as member of the Middle District Local Court.

Mr. Maxmn. Genton also gave in his resignation as a member of the Middle District Local Court.

It was then moved by John Bunn, Esq., and seconded by Robert McBeath, Esq.,

That power be given to the Governor of Assiniboia to fill up any vacancies in the Court of Middle District.

Carried unanimously.

At the request of the Governor & Council, Mr. F. Bruneau retracted his resignation of President of the Local Court at White Horse Plains District, and will continue to act in the said District, as formerly.

It was moved by the Lord Bishop of St. Boniface, and seconded by Robt. McBeath, Esq.,

That the salary of Mr. F. Bruneau, as member of Middle District Local Court, shall be Ten Pounds Sterling per annum.

Carried unanimously.

It was moved by Mr. Thomas Sinclair, and seconded by John Bunn, Esq.,

That a further grant of Sixty Pounds be placed at the disposal of the Lower District Lower Court, for the purpose of finishing work actually requiring to be done this season.

Carried unanimously.

Mr. W. R. Smith presented a statement of the accounts for the past year, shewing a credit Balance of £981. 19. 3.

Minutes of a Meeting of the Governor & Council of Assiniboia, held on the Fifth day of March, One Thousand Eight Hundred and Sixty One, at which were present the following Counsellors, Viz.:—

William Mactavish, Esq., Governor of Assiniboia, President.

Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Revd. The Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Bunn,	Councillor of	Assiniboia.
John E. Harriott,	"	"
Robert McBeath,	"	"
François Bruneau	"	"
Maximilian Genton,	"	"
Thos. Sinclair,	"	"
Henry Fisher,	"	"
Salomon Amlin,	"	"
Pascal Breland,	"	"
John Inkster,	"	"
John Dease,	"	"

After the minutes of the last Council had been read by the Clerk, John Bunn, Esq. moved that Mr. John Dease be sworn in as a Member of the Council of Assiniboia.

Mr. Dease was accordingly sworn in the usual manner, and took his seat.

The Governor of Assiniboia stated that he had, in accordance to a Motion of the last meeting of Council, selected and appointed Mr. Salomon Amlin as of one of the Magistrates of Middle District.

Doctor Bunn presented the following Petition: To the Governor & Council of Selkirk Settlement, The undersigned, your petitioners, would respectfully represent to your Hon. body that,

First That we are living on the East side of the Red River, and directly opposite to Fort Garry, and in our midst is a house occupied by one Jean Mager; which is used as a place for the retail of Liquors of an intoxicating quality, also gambling for money, and liquor.

Second That by reason of said intoxicating liquors being sold, and gambling being allowed, certain disorderly persons are in the habit of frequenting this house, for the purpose of drinking and gambling, and from being allowed to partake freely of very "*villainous*" whiskey, the nature and ingredients whereof are at present unknown to your petitioners, frequent brawls and fights are the occurrence almost daily.

Third said house being situated on one of the principal thoroughfares, and most public quarter of this Settlement, and as these little difficulties, or fights, are generally settled in the open streets, scenes of a revolting character are thus presented to our view.

Fourth said house being (in the opinion of your petitioners) a place of resort for drunkards, loafers and gamblers,

the toleration of such an institution in one of the most public streets of this our growing Settlement is calculated to set a bad example to our children, who are most of them obliged daily to pass this place, to and from their school, and also will be effective in inculcating bad habits in our young men, and, finally bring contempt & disgrace on ourselves as a Community.

WHEREFORE, your petitioners respectfully request that the person now engaged in selling liquors in said house may be interdicted, under a severe penalty, from doing so, and as in duty bound, will ever pray, &c.

44 signatures

The Governor & Council, in reply to the above Petition state

"That the Council refer the Petitioners to the Courts of "the Settlement, who have, in the common law of England, "and in the Local Law, a sufficient remedy for the evil com- "plained of."

The following Petition was then read:

To the Governor & Council of Assiniboia. We, your humble petitioners, here pray, that your honourable Council will take into consideration the state of the Settlement with regard to the Licence Laws, not that we mean to dictate, but, with your honours' permission, would show what we wish.

First. That all liquors be sold by licence, and that the Licence be reduced to the lowest rate possible.

Second. That Beer be free of Duty or Licence.

Third. That Licences be issued any time during the Year.

Fourth. That no person obtain a licence but those of sober, and upright character, people respecting themselves and thus claiming respect from others.

Fifth. That protection be afforded the Licence holders.

Sixth. That none obtain a Licence but proprietors of Land.

Seventh. That all liquors distilled in this Settlement may be free of duty.

Eighth. That Distillers may not grow their own grain and thus deprive others of market, but buy their grain from others, thus giving market to each other.

Ninth. That every effort be made to stop importation of liquor from the United States, and, if it cannot be stopped, that it may be taxed to the highest.

These requests we would humbly bring before your Honourable Council, hoping they may be well weighed, and, as far

as tending towards the good of the Settlement, to meet with your approval. And we, your humble Petitioners, will ever pray.

Laid on the table for the present.

The following Petition was then read.

To the Honourable, The Governor & Council of Red River Settlement;

We, the undersigned inhabitants of Red River Settlement, respectfully call the attention of your honourable Council to the great inconvenience of the present system of Postal delivery in the Settlement, which has long been a source of great annoyance, embarassments, and inconvenience to your petitioners, in common with the other people of the Settlement, and particularly those residing in the Lower District of the Settlement, and this has been increased since the establishment of the Canada Mail, and Fortnightly Mail, through the United States, Letters, &c., often remaining at the Upper Post Office for weeks, as some of your Hon'ble Council can testify. In order to remedy this, as far as practicable, your Petitioners humbly pray your Hon'ble Council to establish Branch Post Offices, throughout the Settlement, for the Receipt and delivery of Mail Matters, and that persons may be appointed to deliver the same, according to the directions, and collect the Postage it may be necessary to charge, according to the Plan followed in England and in Canada. And, as in duty bound, your petitioners will ever pray.

57 Signatures.

Laid on the table.

To the Honourable, the Council of Assiniboia, in session assembled:

The petition of the hereinafter named inhabitants and Petitioners of the White Horse Plains District, respectfully prayeth;

That your Honourable Council will, as soon as may be practicable, order to be surveyed or measured the limits of our Jurisdiction, that the Bound of Fifty Miles may be distinctly meted and marked out, that hereafter, a difficulty may not again arise, such as has, at this present, prompted this prayer, viz:

That any process of Law, issued from the Hon. Court, and reaching in the neighbourhood of the supposed terminus of the Jurisdiction, is subjected to great embarrassment and difficulty from the impossibility of exactly defining the limit, giving rise to vexatious and expensive delay; in fact, disarms

such process greatly of its virtue and power. 'Tis to remedy this, to do away with all doubts as to our upper limit, that we pray such survey and admeasurement may be made.

And your petitioners will ever pray, &c.

56 signatures.

Doctor Bunn moved, and Mr. Harriott seconded,

That the distance from Fort Garry to limit of the District of Assiniboia, on the North Bank of the Assiniboin River, be measured, and the limit of the municipal District be properly there marked. And that the Governor be authorized to employ a Surveyor for this purpose. And also on the West Bank of the Main River, upwards.

Carried unanimously.

A Petition

To the Governor & Council of Assiniboia.

Your Petitioners humbly show,

WHEREAS, a scheme is about to be undertaken, by Mr. John Inkster, for the erection of Grist Mill by Water Power, near about the site of the present Seven Oaks Bridge, for the furtherance of which we, the undersigned, do hereby inform your honourable Council in Assembly,

1st. That the most commodious site for a Water Power being exactly on that now occupied by the present Seven Oaks Bridge, and before the said Grist Mill can be erected, the removal of the present bridge will be necessary;

2nd. That, according to statement of the said John Inkster, the removal of the said bridge will not be over fifty or sixty yards lower down, and therefore the public cannot suffer any inconvenience thereby;

3rd. That we, the undersigned, are all agreeable to the above scheme, and regard it as a benefit to the Settlement.

WHEREFORE, we the undersigned, do humbly pray your Hon'ble Council to grant the said Mr. John Inkster the privilege of removing the said Seven Oaks Bridge, provided the said Mr. J. Inkster agrees to construct another bridge before the removal of the present, and your petitioners, as in duty bound, will ever pray.

Signed by 11 persons in the immediate neighbourhood.

It was then moved by Dr. Bunn, and seconded by Robert McBeath, Esq.,

That Mr. Inkster be permitted to change the site of the Seven Oaks Bridge, and line of the Road at that part called

Seven Oaks, the Bridge being removed and road changed without charge to the Public Fund.

To lie over till next Council.

Two Petitions, carrying 153 signatures, were then read, both alike. One is here given. The one from the Lower part of the Settlement carries 52 signatures, and the other 101 signatures.

To the Honourable The Governor and Council of Assiniboia, assembled.

The petition of the undersigned inhabitants of Red River Colony, humbly sheweth:

That your Petitioners have viewed, with much gratification, the efforts heretofore made, both by the Council and the Courts, to regulate the traffic in intoxicating liquors, and so to check the evils of intemperance. That notwithstanding these efforts, the traffic in such liquors is still extensive, and is most injuriously affecting the best interests of the Colony; That therefore, in the opinion of your Petitioners, further measures to check this evil are urgently required, and they most respectfully yet earnestly pray your Honourable Council to take the matter into your most serious consideration, and to enact such a measure or measures as to your wisdom may seem best fitted to answer the end in view.

And while your Petitioners would not presume to dictate to your Honourable Council, they would nevertheless, with all respect, beg to submit, for your consideration, the following suggestions, premising that, while some of them would desiderate stronger measures, they thankfully receive any measure substantially embodying these suggestions in the meantime:

1st. That the present Law in respect to Licences be rigidly enforced, and its provisions extended to Wine and Beer, as well as spirits.

2nd. That a Duty of at least 5/ (shillings) per Gallon be imposed on all liquors, whether wines or spirits, imported from whatever quarter.

3rd. That all spirits manufactured in the Colony be subjected to a duty of 3/ (Three Shillings) per gallon.

4th. That all impure or adulterated liquors, or the ingredients of which such may be made, be totally prohibited.

5th. That officers be appointed for the express purpose of carrying these enactments into execution, exacting the duties prosecuting offenders, &c., with full power to call upon the con-

stables to aid them in their duties, when necessary; And that their salaries and other expences be paid out of the proceeds of the duties and licences; keeping in view that the object of imposing these is not the raising of a revenue, but the supression of an evil, and that, therefore, it is enough if the law bear its own expenses. Trusting that your Honourable Council will pardon them for presuming to make these suggestions, and that you will give the whole matter your best consideration, and that you may be guided to the measure best fitted to benefit the Community, Your Petitioners, as in duty bound, will ever pray.

P.S. It is further suggested that all persons desiring Licences shall make application for the same One Month previous to the time appointed for granting them; That their names be forthwith published in the "Nor Wester," and that if two thirds of the householders within one mile of the house of any applicant shall petition the Magistrates to withhold the Licence, it shall be withheld accordingly.

The Right Revd. The Bishop of St. Boniface moved the following Motion:

"That an impost duty of Five Shillings per Gallon be "imposed upon all fermented and spirituous liquor imported "into this Settlement from the United Kingdom or from any "Foreign Country."

Doctor Bunn moved the following amendment on his Lordship's motion:

That a duty of Five Shillings per Gallon be imposed upon all fermented and spirituous liquors imported into this Settlement, except such as shall be proved to have been directly imported from the United Kingdom by the consignee.

For the Bishop's Motion	For the Doctor's Amendment.
1. Pascal Breland, Esq.,	1. Max'an. Genton.
2. Solomon Amlin, Do	2. Frans. Bruneau.
—	3. Robt. McBeath.
2	4. John E. Harriott.
1. Bishop of St. Boniface	5. John Dease.
—	6. Thos. Sinclair.
3. Total.	7. John Inkster.
	8. Lord Bishop of Rupert's Land.
	8 against
	1 John Bunn.
	—
	Total 9, Majority 6.

28159—30½

Not being unanimous to lie over until next Council.

His Lordship the Bishop of St. Boniface moved the following Resolution, seconded by Dr. Bunn,

That, from and after the first Monday of next June, no person shall be allowed to retail Wine or Beer, or any intoxicating liquor whatsoever, unless he shall have obtained a Licence; which Licence shall be obtained and restricted in the same manner as all licences previously granted for the retail of spirituous liquors. Any quantity less than eight gallons of Beer shall be held as retail, and also any quantity less than one gallon of Wine shall be held as retail. The penalties of this resolution are to be the same as those which regulate the sale of spirits.

Carried unanimously.

It was moved by the Bishop of St. Boniface,

That no distiller of whiskey shall at any time be granted a licence for the retail thereof.

Carried unanimously.

The Bishop of St. Boniface moved the following:

That no person be allowed to distil or manufacture any spirituous liquor without having obtained a Licence, for which a sum of Ten Pounds Sterling shall be paid; which Licence shall continue in force one year; such Licences to be granted by the several District Courts. And any person distilling or manufacturing spirits without Licence, shall be, on conviction, fined the sum of Ten Pounds Sterling, recoverable before a District Court, to be enforced and disposed of in the same manner as all penalties under the Liquor Laws.

Withdrawn.

To the Honourable Governor & Council assembled;

In the matter of Our Highways, etc.

It will, I hope, not be deemed presumption on my part that I shall respectfully call your attention to a few remarks, which, intended to benefit the general weal, would, at the same time, relieve the Board of Works from a difficult & vexatious responsibility, a responsibility & labour from which they in no way receive any compensation.

Firstly. The timber furnished either for new work or repairs is, unfortunately, most often furnished in lengths too short or too long; in either event, as a matter of course, cutting to waste and involving unnecessary labour.

2nd. The remnant wood is lying in such a way as to expose it to continual depredations from travellers and others, who

consume as fuel what would be found valuable in the repairs so constantly required.

3rd. The aforesaid Repairs are too much neglected, and, from not being taken in time, increase soon to a large outlay, from what would, at first, have been required.

4th. The necessity of having always removed from the vicinity of the Bridges all such old drift chips, rubbish and tuft grass, which so seriously endanger their safety at the time of the fall fires.

5th. Some, of course, not all, of the persons appointed to receive work are utterly incompetent from want of the requisite knowledge either to judge of its value, or whether or not to receive it at all.

Lastly. I would respectfully suggest that two competent & able men be appointed, and bearing pay as well as responsibility, one for each side of the River, who should not only have the framing the contracts, the supervision of construction, but also that the Roads be kept in complete and entire repair.

(Signed) GEORGE FLETT.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Thursday the fourteenth day of March, one thousand eight hundred and sixty-one, at which were present the following, viz:[1]—

William Mactavish, Esquire, Governor of Assiniboia, President.

The Rt. Reverend the Lord Bishop of Rupert's Land Councillor of Assiniboia.

The Rt. Revd. the Lord Bishop of Saint Boniface, Councillor of Assiniboia.

John Bunn,	Councillor of	Assiniboia.
François Bruneau,	"	"
Robert McBeath,	"	"
Pascal Breland,	"	"
Thomas Sinclair,	"	"
Salomon Amlin,	"	"
John Inkster,	"	"
John E. Harriott,	"	"
Maximilian Genton,	"	"
Henry Fisher,	"	"
John Dease,	"	"

[1] At this point begins the Minute Book preserved in the Provincial Library of Manitoba, Winnipeg.

After the Clerk had read the minutes of the last Meeting of Council,

Doctor Bunn presented the following letter he had received from R. Goulet.

A Mr. Bunn.

Monsieur,—

Je soussigné, certifie d'avoir arpenté sur la côte sud de la Rivière Assiniboine directement opposée à la pointe de Pelletier, pour second chemin public sur le lot: 252 appartenant à Magloire Plante, 569 verges de long sur une chaîne de large.

Le dit Magloire Plante veut bien donner sur son terrain le dit chemin déjà frayé aux frais publics, moyennant qu'on lui donne douze sous la verge en allant sur la longueur sinon il clôturera tous passages pour un second Chemin.

(Signed) R. GOULET.

Rivière Rouge, 29 Novembre, 1860.

In reply to the above letter the Governor & Council of Assiniboia state:

That, the sum of Ten Pounds Sterling be offered to Magloire Plante, as a compensation, or to be referred to Arbitration.

In answer to the petitions presented at the last Meeting of the Governor and Council—

It was resolved,—That the Governor and Council do not deem it expedient to facilitate and encourage the increased retail sale of intoxicating liquors, and thereby add to the growing immorality and pauperism of this heretofore well conducted population, by removing any existing restrictions.

The Governor and Council do not perceive that the time has yet arrived for the levying of any excise duty upon Distillation which is an infant manufacture consuming Farm Produce, but would encourage the investment of Capital in that direction so as to manufacture an exportable commodity and which would satisfy home consumption, Invite by its fitness, exportation to Rupert's Land, Obviate the necessity of Foreign supply, and thereby promote and reward Agricultural industry.

The Governor and Council cannot pronounce Agriculture illegal by imposing penalties on any class or person who may pursue it.

The Governor and Council defer the consideration of Postal arrangements until they are provided with the necessary information.

It was resolved and unanimously carried—

That in all prosecutions for the Recovery of Penalties for any breach of the Laws for regulating the Sale of Intoxicating liquors, no action shall lie unless information shall have been given within six months after the commission of the offence.

The Motion of the Bishop of Saint Boniface with the amendment of Doctor Bunn was again brought before the Council.

For the Bishop's Motion.	For the Amendment.
1. Mr. Fisher.	1. Mr. Genton.
2. Mr. McBeath.	2. Mr. Bruneau.
3. Mr. Breland.	3. Mr. Harriott.
4. Mr. Amlin.	4. Mr. Dease.
5. Bishop of St. Boniface.	5. Mr. Sinclair.
	6. Mr. Inkster.
	7. Bishop of Rupert's Land.
	8. Doctor Bunn.

Amendment Carried.

The Lord Bishop of Saint Boniface moved that the words "From and after the first of next May" be substituted for "From and after the first Monday of next June" on his Motion for the sale of Beer and Wine and intoxicating liquors.

Carried unanimously.

It was moved by Lord Bishop of St. Boniface

And Seconded by Mr. Bruneau

That there shall be appointed a special Police Officer whose duty shall more especially be to enforce the Laws for Prohibiting the illegal sale of Intoxicating liquors—who shall enquire into all complaints against disorderly houses—who shall use all diligence in obtaining proof of, and in prosecuting all offences against good order, and all breaches of the Laws generally, but more especially the laws which regulate the sale of Intoxicating liquors, who shall have a salary of £30 per Annum, but who shall be liable to dismissal without notice for any neglect or omission of duty—

For the Motion	Against the Motion
Mr. Dease	Doctor Bunn
Mr. Sinclair	Bishop of Ruperts Land
Mr. Inkster	Against 2
Mr. Breland	
Mr. Amlin	
Mr. Harriott	

Mr. McBeath
Mr. Bruneau
Mr. Genton
Mr. Fisher
Lord Bishop of St. Boniface
For 11

Laid over until next Council

That for the future to meet the convenience of a large portion of the population it is resolved That the Spring Quarterly Court shall be held on the Third Tuesday of May instead of the Third Thursday of June.

Doctor Bunn presented to the Governor and Council,—

" The proceedings of the Middle District Board of Works, do not require any lengthened report beyond a summary of the work done and the expenditure of the Grant voted by the Governor and Council—

On the East Bank of the Main River there was made at various points 1,278 yards of faggot road and 12 bridges of various sizes and a drain of 264 yds—on the West side of the same River there has been one bridge built and the faggot road repaired.

On the North bank of the Assiniboine there have been 478 yards of faggot road made, some bridges repaired, and one built on the Sturgeon Creek on the terms and conditions presented by the Governor and Council, the cost has been about £350—including sundry miscellaneous items.

Other works will be required for next season, but not having yet received the estimates from the various parts of the District the amount cannot yet be determined.

The Lord Bishop of St. Boniface stated to the Governor and Council that he would withdraw his Motion on the Distillation Licenses.

Withdrawn accordingly.

To secure the more efficient and equitable Collection of the Revenue

It is Resolved, First, That all goods imported into the District of Assiniboia, from any part of the British Dominions, or from any Foreign Country, shall be subject to a levy of Four Per Cent ad valorem duty, to be estimated at the price current of the Original Place of Export, London, or New York &c., excepting such articles as shall be otherwise specified.

The following shall be admitted free from Customs Duty, viz:

I. All Iron and Steel, cast or malleable, wrought and unwrought.
II. All Books and Publications whether imported for use or as Merchandise.
III. All Scientific Instruments, and Mechanical Tools.
IV. All Agricultural machines, and Implements.
V. All Baggage, All Apparel, and Utensils that have been or are in present use of the owners.
VI. All Seeds, Roots or Plants, tending to the improvement of Agriculture.
VII. All Stationery and School Slates.
VIII. All unopened packages of goods originally destined for parts not within the District of Assiniboia.
IX. All Cases, Boxes, Barrels, Bottles or Cloth covering which contain goods or fluid of any description.
X. Monumental Tablets or Tombstones.
XI. All Grindstones.
XII. All Skins Peltries Parchment untanned leather, and all produce of the Chase generally.
XIII. All goods gratuitously given, and originally designed for the benefit of the Indian Missions of Rupert's Land.

Second, There shall be four Collectors of Customs residing severally at each extreme and middle of the Settlement and White Horse Plains, whose residences shall be Houses of Clearance. A Collector of Customs shall have power to administer Oaths—to search for and to seize Contraband Goods —and to prosecute defaulters, he shall have power to call Constables and all loyal subjects of Her Britannic Majesty to his aid, and all persons not Constables so called upon shall be paid by the Collector at the Public expense as special Constables Extraordinary—say ten shillings per diem—

A Collector of Customs shall have power to exact and receive payments of Customs duty, and to give receipts in discharge of the same, he shall twice in every month pay into the hands of the Governor, who is ex officio Receiver General, all Revenues received by him, together with a list of the persons paying, and the value of goods, upon which the duty had been paid. That each Collector shall once every week transmit to the nearest Clearance House a list of all clearances made by him.

Each Collector shall have an annual salary of Forty Pounds Sterling, besides being entitled to one-fifth part of the proceeds of all seizures he shall make or cause to be made.

Third, Every person bringing goods liable to Duty into the District of Assiniboia whether owner Agent or Conductor, shall be provided with an Invoice or Manifest, which shall combine with the name of the Consignee—an accurate account of the quantity and prime cost value of all goods contained in any Carriage Vehicle or Vessel, or any Conveyance whatsoever whether by land or water—This Invoice or Manifest shall be attested by the signature of the Owner or his representative, and on arrival within the Settlement it shall be produced to the Collector, who may verify its accuracy by an oath administered to the party, or by examination of the Goods opening packages if necessary—on being therewith satisfied he shall exact payment of the Duty or at his discretion accept a Bond payable for the amount within a period of not more than three months, which Bond may be sued for, and recovered the same as any other Contract Debt.

The collector on receiving satisfaction for the Duty as above defined shall write on the back of the Manifest the words "Examined" and "Passed" attaching his signature and the date thereof, and this shall be held as a sufficient Clearance.

Be it observed that in any case where the want of an Invoice or Manifest is, or has been unavoidable, the Collector may accept of the sworn declaration of the party as to the value of his Goods—or otherwise satisfy himself of their value.

Fourth, Every Owner or Importer or Consignee of Goods shall within Twenty four hours of the arrival of such Goods exhibit his Manifest (if not already cleared) to the Collector of Customs, and any Owner Importer or Consignee of Goods failing to do so, shall, in addition to the duty forfeit a sum of not more than Fifty Pounds Sterling or less at the discretion of the Court which penalty may be sued for, and recovered in the same manner as a Contract Debt, and any package or goods in bulk not entered into any Manifest shall be seized as Contraband and forfeited to the Queen, or the Governor in Council acting in her name, and in the event of any person refusing to show his Invoice or Manifest or refusing to pay the Duty or to give a Bond for the payment of the same, the Collector shall be authorised to seize all his Goods as Contraband.

Any person making a false declaration under an Oath administered by a Collector may be Indicted for wilful Perjury.

Persons claiming exemption from Duty because of their Goods being destined for parts beyond the Circle of Assiniboia shall give a Bond not to dispose of any such Goods nor open them or allow them to pass from their possession within the District under a penalty of half the amount of their Invoice which Bond shall be recoverable in the same manner as a Contract Debt.

Persons leaving the Settlement with Goods under a Bond shall call upon the last Collector of Customs on their route for the purpose of having the said Bond cancelled—

Fifth, All Goods liable for duty shall be held as Contraband if under the following circumstances they are unprotected by a Clearance.

1st. If they have been within the premises of the Proprietor or Consignee for more than forty-eight hours.

2nd. If they have been opened, or in any way disposed of or otherwise have passed from the original Importer or Consignee.

3rd. If not being liable for Duty because of their original destination being beyond the bound of this district they shall have been opened or disposed of or any way have passed from the possession of the Original Importer or Consignee within the bounds of the District.

All such Goods unless otherwise provided for shall be forfeited to the Queen by the Governor and Council acting in her name—All Goods so seized shall be deposited in the Court House and afterwards at authorized times be sold by public Auction for the benefit of the Province saving expenses and the rights of the Collector.

The above laws for regulating the Collection of Customs shall be in force from and after the first day of April next ensuing

W. MACTAVISH.

Minutes of a meeting of the Governor and Council of Assiniboia, held on Tuesday the Ninth Day of April, One thousand eight hundred and sixty one—at which were present the following Councillors Viz—

William Mactavish Esqre, Governor of Assiniboia, President

1. The Rt. Revd. The Lord Bishop of St. Boniface Councillor of Assiniboia.

2. John Bunn	Councillor of	Assiniboia.
3. Henry Fisher	Do	Do
4. Francois Bruneau,	Do	Do
5. Robert McBeath	Do	Do
6. Thomas Sinclair	Do	Do
7. John Inkster	Do	Do
8. Pascal Breland	Do	Do
9. Salomon Omlin	Do	Do

After the Clerk had read the Minutes of the last Meeting of Council

The Bishop of St. Boniface's Motion for the appointment of a special Police Officer came before the Council.

For the Motion 8 Votes, against the Motion 1 Vote

Motion carried.

It was then Resolved That Nicholas Mousard be appointed Special Police Officer.

It was moved by John Bunn Esquire and seconded by Thos. Sinclair, Esquire

That the District Magistrates shall be authorized at their discretion to appoint a competent Overseer to superintend any Public Work which for the time being be of sufficient importance to require it.

Carried unanimously.

The following address for the Public was moved and carried.

The Governor and Council in imposing differential Duties on the importation of Wine and Spirits contemplate solely the mitigation of an evil—The Wines and Spirits as now obtained from the United States are complained of as profuse in quantity, and deleterious in quality—The importation from the British Dominions has not as yet incurred similar objections, such importation cannot be a monopoly so long as the Bonded Vaults of New York are open to capital and enterprise.

To abolish the consumption of Spirits is unattainable the minor benefit is to moderate its quantity and to protect against the evils of adulteration, this can only be attempted by imposing a heavy Duty upon impure admixtures—and admitting approved manufactures at the old accustomed rate—The public must know that the tax falls upon the buyer and not on the vender—it may add to the expenses of housekeeping, and the sick chamber, but will not enhance the profit of the importer.

The native manufacture is not inferior to the importation from the United States, and is therefore so far worthy of protection.

When the native manufacture shall be meet to supply by its quantity and quality the wants of the Country it will be imperative on the Government to protect by heavy Duties local production against all foreign competition, until then legislation can only tend to protect public health, and if possible public morality by making it most profitable to import of Wine and Spirits only what is genuine, and exclude what is adulterated (it may be feared that even the differential Duties may fall short). The source of supply is the only test of purity at present attainable since there is not in the Colony Analytical Chemistry sufficient to supply any other.

Next in benefit to the abolition of the abuse of Spirits is the home production of what is consumed—since expenditure cannot be prohibited let it reward the industry of the home, and not the foreign farmer.

It was resolved that Mr. William Dease be Collector of Customs Duty at Pointe Coupée, Mr. Roger Goulet be Collector at Upper Fort Garry, Mr. William R. Smith at Lower Fort Garry, and Mr. Patrick Breland at White Horse Plains.

It was moved by John Bunn Esqre. and seconded by F. Bruneau Esqre.

That the sum of £323. 15. 0. be granted to the Board of Works of the Middle District.

Carried.

It was moved by Mr. Pascal Breland and seconded by Dr. Bunn

That the sum of £200.0.0 be granted to the Board of Works of White Horse Plain District.

Carried.

Mr. Thos. Sinclair moved and Mr. John Inkster seconded

That the sum of £250.0.0 be granted for the Board of Works of the Lower District.

Carried.

W. Mactavish.

Minutes of a Meeting of the Governor and Council of Assiniboia held on 'Saturday the Eighth Day of June One Thousand Eight Hundred and Sixty One—at which were present the undermentioned Councillors, viz:—

William Mactavish Esqre. Governor of Assiniboia President

1	The Lord Bishop of Rupert's Land	Councillor of	Assiniboia
2	The Lord Bishop of Saint Boniface	do	do
3	John E Harriott	do	do
4	Francois Bruneau	do	do
5	Robert McBeath	do	do
6	Maximilian Genton	do	do
7	Solomon Amlin	do	do
8	Henry Fisher	do	do
9	John Inkster	do	do
10	Thomas Sinclair	do	do
11	John Dease	do	do

The Bishop of Ruperts Land proposed the following Resolution which was unanimously Carried

Resolved—That before proceeding to the business of the day, the Council join unanimously in recording their deep sorrow at the sudden and unlooked for death of their late friend and colleague Dr. Bunn. They feel how great a loss the Council and Community have sustained in his removal by the hand of God from his many, and active duties. They would acknowledge the valuable services which he has rendered for a long period as a member of Council and also as Chairman of the Board of Works, nor would they forget the efficient manner in which he has for a more limited time discharged the duties of Sheriff and those of Recorder and Coroner. They are painfully conscious how difficult it will be to supply his place in the various offices which he filled with so much credit to himself, and so much advantage to the whole Settlement. They trust that to his family and friends the universal expression of regret, the very marked respect shown by every class and condition on the day of interment, may prove some consolation (however inadequate) under their heavy bereavement.

That a copy of this Resolution, with the heartfelt sympathy of every member of Council, be transmitted by the Clerk of the Council to the Members of Doctor Bunn's family.

The Governor informed the Meeting that he had convened the Council for the purpose of appointing persons to fill up the vacancies caused by the death of the Late Dr Bunn—he also informed the Council that two persons had made application for the Office of Governor of the Gaol and Sheriff—the Candidates were Mr. J. Ross and Mr. H. McKenny.

It was moved by the Bishop of Rupert's Land and seconded by Mr. Rt. McBeath

That Mr J. Ross be appointed Governor of the Gaol and Sheriff of Assiniboia

10 for and 1 against

Motion carried

It was moved by the Bishop of St Boniface and seconded by Mr J. E. Harriott

That Mr Francois Bruneau be appointed President of the Middle District Petty Court with a salary of £16. pr Ann.

The Bishop of Ruperts Land moved an amendment that the salary of the President should be £12. 0. 0.

Mr McBeath also moved that the salary should be £6. 0. 0.

For Bishop St Boniface's Motion.	Bishop of Ruperts Land amd't
1 Mr Fisher	1 Vote
2 " Genton	Mr McBeath's Amend't.
3 " Dease	1 Vote
4 " Sinclair	
5 " Inkster	
6 " Harriott	
7 " Amlin	
8 Bishop of St Boniface	

Bishop's motion carried

It was moved by the Bishop of Rupert's Land and seconded by the Bishop of St Boniface

That the salary of the President of the Lower Court be £8. Pr ann.

9 Votes for and 1 against

Motion carried.

The Bishop of Rupert's Land moved and Mr McBeath seconded

That the Governor of Assiniboia be empowered to appoint a Coroner for the District of Assiniboia

Carried unanimously.

Mr. Bruneau moved and Mr. Harriott seconded,

That Mr. McKenny be appointed one of the Petty Magistrates of Middle District Local Court.

Carried unanimously.

Minutes of a meeting of the Governor & Council of Assiniboia held on the Fifth Day of November, 1861, at which were present the undermentioned Councillors, viz.:—

William Mactavish, Esquire, Governor of Assiniboia, President.

The Rt. Revd. The Lord Bishop of Rupert's Land, Councillor.

John Ed. Harriot,	Councillor.
Robert Macbeath,	"
François Bruneau,	"
Maximilian Genton,	"
Thos. Sinclair,	"
John Inkster,	"
Pascal Breland,	"
Salomon Amlin,	"

The Minutes of the last Council having been read over by the Clerk,

The Governor informed the Council that agreeable to a Motion of the last Council he had appointed Doctor C. J. Bird Coroner for the District of Assiniboia—and that Mr. Jos. Gilbeau and Mr. Henry MacKenny had resigned their office of Petty Magistrates of the Local Courts.

It was then moved by J. E. Harriott, Esqre., and seconded seconded by Mr. Macbeath,

That Pascal Breland be appointed Petty Magistrate for the Local Court of White Horse Plains District.

Carried unanimously.

It was moved by The Lord Bishop of Rupert's Land, and Seconded by Mr. Macbeath,

That A. G. Bannatyne, Esqre., be appointed Petty Magistrate of the Middle District.

Carried unanimously.

Mr. Amlin moved and Mr. Bruneau seconded,

That a Constable be appointed to the Middle Part of the Main River in the Middle District.

8 for the Motion and 1 against.

Not being unanimous the Motion referred to the next Meeting of Council.

A Petition was presented to the Council from James Mulligan and read by Mr. Bruneau.

The prayer of which petition was that the Council would compensate him for a Public Road running over his Lot, in the same proportion as they had paid to Magloire Plante. The Council declined entering into the merits of the request until they receive further information concerning the justice of the claim and requested the Board of Works to examine into the nature of the Claim.

Adjourned.

W. MacTavish.

Minutes of a meeting of the Governor & Council of Assiniboia held on the Ninth Day of January, 1862, at which were present the undermentioned Councillors, viz.:—

William Mactavish, Esquire, Governor of Assiniboia, President.

Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

Francois Bruneau, Esq., Councillor of Assiniboia.
John Inkster, Esq., " "
Salomon Amlin, Esq., " "
Thomas Sinclair, Esq., " "
Robert MacBeath, Esq., " "
Maxmilian Genton, Esq., " "

After the Minutes of the last Council had been read Mr. Amlin's motion for the "appointment of a Constable on the Main River in the Middle District."

The Motion was unanimously carried, and Benjamin Neault was appointed Constable for the said locality.

The following Letter was then read:

ASSINIBOINE, Nov. 20th, 1861.

To the Honble. Council,—

The application of Charles Land showeth that for the last 5 years he has been in the habit of selling Beer without ever being brought to the Notice of the Bench for any irregularity occurring in his house, but in consequence of the alteration of the Beer Laws, he the said Charles Land wishes the Hon. Council to grant him a License for the sale of Beer, Wine and Spirits from this date.

I remain, your humble servant,

(Signed) CHARLES LAMB.

Answer: "Granted."

Mr. Bruneau on the part of the Board of Works asked for a Grant of £180 in addition to the sum already voted by the Council for the Roads & Bridges in the Middle District.

The sum unanimously granted.

Adjourned.

W. MACTAVISH.

Minutes of a meeting of the Governor & Council of Assiniboin held on the Thirteenth Day of March, 1862, at which were present the undermentioned Councillors, viz.:—

William Mactavish, Esqre., Governor of Assiniboia, President.

The Rt. Revd. Bishop of Rupert's Land, Councillor of Assiniboia.

Robert McBeath, Esquire, Councillor of Assiniboia.
Henry Fisher, " "
François Bruneau, " "
Salomon Amlin, " "
Pascal Breland " "
John Inkster, " "
Thomas Sinclair, " "

After the Minutes of the last Meeting of Council had been read the following petition was presented:
To the Governor of Assiniboia.
Governor,—

We the undersigned inhabitants of the Colony would respectfully make known the following facts: Several months have now elapsed since the Criminal Court of this Colony condemned Paulet Chartrand to detention in the Common Gaol for ten months. While we cannot but admit the justice of the sentence which is far beneath the gravity of the offence, we cannot be unmindful of considerations which in our estimation are very weighty, and which impel us to intercede in behalf of the unhappy prisoner:

In the first place it is the unanimous desire of the inhabitnats of this Colony that Paulet Chartrand be forthwith liberated—

Secondly—The said Paulet Chartrand being at the head of a large family wholly dependent upon his daily earnings for support it is to be apprehended that they may be reduced to extreme misery and want and that the prisoner himself may lose the use of his senses.

Thirdly—in a case much more aggravating than this one, One of your predecessors, as you may remember, used his prerogative of clemency for motives much less urgent than those which prompt this appeal—

We would finally set forward, as additional reasons calling for the release of the prisoner, that is, his previous good character, and the readiness with which he gave himself up at the demand of the officers of Justice—Hoping that you will find the above mentioned reasons sufficiently strong to warrant the release of the unfortunate prisoner.

We remain respectfully &c &c &c

Signed by 44 signatures.

A second petition on the same subject was read which was as follows

To the Governor and Council of the District of Assiniboia.

The undersigned your petitioners would respectfully represent to your Honble. body—

That one Paulet Chartrand at present a prisoner in the common gaol was at the General Court held in the month of October tried and found guilty of the crime of manslaughter, and as punishment was condemned to "Ten months' imprisonment" in the common gaol.

That already three months of the term have expired, and he has we learn showed symptoms of an aberration of mind brought on no doubt by continual reflection and remorse for his crime—

That the prisoner has a wife and a large family of children dependent on him for their daily food, and clothing, and are now, to the knowledge of some of your petitioners, reduced to circumstances painfully destitute, caused by the absence of their natural protector and provider—

That in the opinion of your petitioners the prisoner was provoked to commit a crime in the heat of fury and passion which he would have given worlds a moment after to recall, and in the opinion of your petitioners sufficient example has been shown sufficient punishment has been given and the ends of law and justice complied with as well to all intents and purposes as if he had been imprisoned the whole term of ten months.

Therefore the undersigned your petitioners would respectfully request your Honorable body to pass an act of pardon to the said Paulet Chartrand, and as in duty bound your petitioners will ever pray &c &c

Signed by 308 signatures

Four lists from the Rev. C. M. Meche, Cure de Saint Norbert containing 113 signatures for the same purpose as the above petition making in all 4665 signatures.

It was moved by the Lord Bishop of Rupert's Land and seconded by Mr. John Inkster

That the prisoner Paulet Chartrand shall be liberated from the prison at the expiration of six months counting from the day of his committal to prison.

Carried unanimously

To the Honorable
The Governor & Council of Assiniboia.

The Petition of the Undersigned
Humbly sheweth

That last summer a number of Indians did unlawfully & riotously enter his house, & forcibly appropriate property amounting to about Twelve Pounds Sterling in value.

That for said unlawful conduct on their part, and to satisfy public justice, two of the ringleaders were brought before a Court of Justice, found guilty, and punished by imprisonment.

That from the evidence adduced to prove their riotous conduct, it was clearly made out that they had under threats and menace obtained from me the property abovementioned, and that only under protest & through fear of my life did I submit to their peremptory and unwarrantable demands.

That if any doubts exist upon the minds of the Honble Councillors in regard either to the fact of my property being thus illegally wrenched from me, or in regard to the estimated value of the property alleged to have been taken—in either case the undersigned, if required, will bring forward evidence to prove his allegations.

Wherefore, the Petitioner humbly begs the Hon. Council of Assiniboia who may be regarded as the guardians and representatives of the aborigines, to make an appropriation of the public money sufficient to indemnify him for his losses, since the Indians implicated have nothing in the world and therefore cannot in any degree replace what they forcibly took away, or give an equivalent.

The undersigned is a very poor man who has to struggle hard for his daily subsistence and feels it a very great hardship to be deprived of his property without any compensation.

And as in duty bound &c &c

(Signed) August Schubert.

The answer to the above petition
"Not Granted"

A Petition was laid before the Council from Ryer Olsen & Har Kuska Weyah Denig or Olsen praying the Council to appoint Guardians over the Minor Children of the late Edwin Thomson Denig—

The Council refused to act not having sufficient information to act upon—

It was moved by Robt. MacBeath and seconded by John Inkster

That the Constables shall, for the future, be paid half yearly—

Carried unanimously

It was moved by the Bishop of Rupert's Land and seconded by John Inkster

That William Mactavish Esqre Francois Bruneau Esqre and Thomas Sinclair Esquire be appointed a Committee to collect and arrange the Local Laws of the District of Assiniboia.

Carried unanimously

W. MACTAVISH.

Minutes of a meeting of the Governor and Council of Assiniboia, held on the 8th and 11th Days of April, 1862, at which were present on both occasions the following Councillors, viz.:

William Mactavish Esq. Governor of Assiniboia President

The Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

John Ed. Harriott	Councillor of	Assiniboia.
Francois Bruneau	do	do
John Inkster	do	do
Pascal Breland	do	do
Thomas Sinclair	do	do
Salomon Amlin	do	do
Robert McBeath	do	do
Maximilian Genton	do	do

After reading the previous Minutes of Council, the Council at the suggestion of the President proceeded to examine and discuss the new arrangement and collection of the local laws which the Committee appointed at the last Council now presented for their approval, and which were as follows—

GENERAL PROVISIONS.

1. All local enactments when not expressly extended farther shall apply only to the part of the District of Assiniboia which forms Red River Settlement and its environs.

2. Fines, and forfeitures when not otherwise appropriated shall go to the public fund.

3. Every resolution shall be interpreted without regard to the distinctions of gender or number.

4. If any person in any way encourage any violation of any local enactment, he shall be held to be as guilty as the principal offender.

5. Unless special regulation provide to the contrary every wrong has its remedy under the general law of the Country.

Resolved 1st. All local regulations, that were on record on the 13th March, 1862, are repealed.

Fires.

2nd. If any hay stack in the open plains shall be injured by a running fire, the owner shall not recover damages, unless such haystack has been protected at a distance of at least twenty yards by a ploughed or burned ring of at least eight feet wide.

3rd. If between the 31st May and 1st December any person shall kindle a fire intended to run, he shall be fined Ten Pounds, one half to go to the prosecutor, and if any person without having previously obtained the presence and assistance of at least four men shall light a fire for the purpose of burning the rings round hay stacks as required by the preceding law, he shall be held to have incurred the penalty attached to this law. Provided that the Bench may remit the whole fine, if the defendant has both kindled the fire through necessity, and done all in his power to prevent it from spreading.

4th. If any fire in the open air, which is not intended to run, shall be left burning without due precautions or be negligently allowed to spread, every person who may have kindled or fed, or used the same shall be fined from Five Shillings to Fifty Shillings.

Animals.

5th. If one or more animals be founds in an enclosure where damage has been done, the said damage shall be paid for by the Owner or Owners of such animal or animals found within the enclosure as the Owner of the enclosure can prove to be generally known in his neighbourhood as fence breakers, and that the amount of the damage shall be equally divided among each of the animals, known as fence breakers irrespective of the other animals found at the same time within the enclosure,

but not known as fence breakers, and that each animal known as a fence breaker, and found within the enclosure shall be kept in pledge till its owner pays its share of the damage. Provided that the owner of the enclosure can prove that the fence of said enclosure was of sufficient height, strength and closeness and that the gates of the enclosure were closed.

6th. If any stallion sixteen months or approaching two years old, or upwards, be found at large the Owner shall be fined Twenty Shillings, half the fine to go to the Captor of the Stallion, and the animal himself may be kept in pledge till security for payment of the fine be given, and during the time the animal is so kept the Owner shall pay for his keep at the rate of 6d pr day.

7th. If any ram be found at large between the 30th June and 1st November such ram may be detained by any person till the Owner pay Two Shillings & Sixpence for the use of the Captor of the Ram, and during the time the Ram may be so detained the Owner shall pay for the keep of the said Ram at the rate of three pence pr day.

8th. If between 31st March and 1st November any pig or pigs be found in any enclosed field, without a Yoke of one foot and a half wide and one foot and a half in height the owner of such Pig or Pigs shall not only be answerable for all damages committed by said Pig or Pigs but shall also pay a fine of Three Shillings for the seizure of the same.—Furthermore, if after the Owner of the Pig or Pigs has been warned by the Proprietor of the enclosure to take his Pig or Pigs away, and he neglecting to do so, in that case the Proprietor of the closure, may, after the lapse of six hours shoot the said Pig or Pigs, and the Owner shall not recover any damages for this act—and any person taking any Pig or Pigs according to this law shall be allowed 6d pr diem each for their maintenance the same to be paid by the Owner of the Pig so taken.

Horse Taking.

9th. If any person takes another's horse to ride or drive without consent he shall be fined One Pound half of the fine shall go to the informer and shall forfeit to the Owner of the horse all such equipments of any description as he may have used in such riding or driving, and if a horse so taken be injured or lost the person who so took the horse shall indemnify the Owner to the full extent of the damage or loss.

Hay.

10th. If any Settler cut hay behind the two mile line before the 1st August he shall forfeit the same or the value thereof.

11th. Any exclusive privilege of cutting hay between the two mile line and the four mile line shall be forfeited for the season as soon as the party entitled shall cut hay beyond the four mile line, and at all events all such exclusive privileges shall be thrown open to all after 15th August or two weeks after commencement of hay cutting.

12th. If any Settler trespass wilfully in another's hay ground, he shall forfeit the proceeds whether in kind or in value, for the benefit and satisfaction of the party injured without receiving any allowance for his labour, but if he trespass in ignorance, he shall still forfeit as before, though not without compensation for his time.

Roads, Etc.

13th. The Main highway shall be Two Chains wide.

14th. Any other actual thoroughfare may be repaired or improved as a public path, but not till all the parties interested in the soil shall have consented to leave unoccupied from time to time one uniform breadth, so as to provide against the encroachment of the River or any other similar influences.

15th. Any person, who may dig a hole through the entire thickness of the ice or through any portion of such thickness, shall from time to time mark the same at the point nearest to the actual track with a pole at least six feet high, being otherwise liable to make good all injury which such pole might have been expected to prevent.

16th. Superintendents of Public Works shall be appointed in the different sections of the Settlement, and that they shall be responsible to the Governor and Council for the sums of money expended on Public Works as well as for the state of the Roads and Bridges in their respective sections. The Superintendents shall publicly apply for tenders for all Public Works to be executed in their respective Sections, and from among those who tender the Superintendents shall select the fittest person to execute the Works offered for:—

First Section, White Horse Plains from the Sturgeon Creek upwards on both sides of the Assiniboine River.

Second Lower Section, From St. Pauls Church downwards on both sides of the Red River.

Third Middle Section, From St. Pauls Church upwards on both sides of the Red River to St. John's Cathedral, from thence to the Forks on the West side of the Red River and from the Forks upwards on both sides of the Assiniboine River to Sturgeon Creek.

Fourth Upper Section, From St. Johns Cathedral to the Forks on the East Side of the Red River and from thence upwards on both sides of the Red River.

17th. The following shall be Superintendents of Public Works:—

First White Horse Plain Station, Patrice Breland, with a salary of £20 yearly.

Second Lower Section, Thomas Sinclair, with a salary of £25 yearly.

Third Middle Section, John Fraser, with a salary of £25 yearly.

Fourth Upper Section, François Bruneau, with a salary of £25 yearly.

Intoxicating of Indians.

18th. If any person without any distinction of race supply or sell to any person popularly known as an Indian, or any member of an Indian Nation, the means of intoxication he shall on being convicted before a Petty Court on the oath of one or more witnesses be fined for each offence as follows:—

Two Pounds for furnishing any brewing utensils, the fine to go to the Informer.

Three Pounds for furnishing Malt, the fine to go to the Informer.

Five Pounds for furnishing Beer or any fermented liquor, the fine to go to the Informer.

Ten Pounds for furnishing distilled spirits or any other immediate cause of intoxication than fermented liquors, half the fine to go to the Informer.

In every case the offender after conviction to be imprisoned until the fine is paid.

19th. In addition to these fines the offenders shall make restitution to the Indian of all the equivalent which he may have received if any for such furnishing. Every part of such equivalent not being money itself, being valued for this purpose at prime cost.

20th. If an intoxicated Indian commit or threaten to commit any unprovoked violence, he may be imprisoned in addition to any specified punishment till he prosecute the person who may have been guilty in the matter.

21st. If any person possess, or have possessed, Malt or Beer or Spirit or any other of the above specified means of intoxication in the society or tent of any Indian, he shall be held guilty of furnishing such means of intoxication to Indians.

Liquor Laws.

22nd. It shall be lawful for the Bench of Magistrates of the Peace and Petty Court in their several Districts assembled on the first Monday of the month of June in each year or at other times when they deem it expedient, to issue Licenses which will be in force till the first Monday in June then next following to approved applicants (who shall be landholders in this Settlement) allowing the sale by retail on their own premises of all Spirits, Wines and Beer lawfully imported, or of native manufacture (all quantities of Spirits under five gallons, all quantities of Wine under one gallon, and all quantities of Beer under eight gallons shall be counted retail) and that a sum of Ten Pounds be paid for a License so issued for the sale by retail of Spirits, Wines and Beer, but that the sum of Five Pounds be paid for Licenses so issued for the sale by retail of Beer alone, and any person selling Spirits, Wine or Beer by retail without such License, shall on conviction before a Petty Court on the oath of one or more witnesses, for each offence pay a fine of Ten Pounds Sterling, and be imprisoned until the fine be paid, one half of the fine shall go to the informer—and the form of the Licenses shall be according to Schedule A or B, any offence against the provisions of said License shall be punished by forfeiture of the same, and in addition in case of infraction of the provisions of said License as regards Indians the offender shall pay the special penalty for furnishing the means of intoxication to Indians.

SCHEDULE A.

This is to certify that you
are hereby permitted to sell on your own premises any Lawful Spirits in any quantity under Five Gallons, Wine in any quantity under One Gallon, and Beer in any quantity under eight gallons, to any person or

persons, subject to the following restrictions: Not between the hours of nine o'clock at night and six o'clock in the morning; not in any hour during the Sabbath; not to any intoxicated Person; never to any Indian or person popularly known as an Indian, any act contrary to the above restrictions shall make this your License void and of none effect.

This License shall continue in force till the first Monday in June now next following.

SCHEDULE B.

This is to certify that you

are hereby permitted to sell on your own premises, any quantity of Beer under Eight gallons to any person or persons, subject to the following restrictions; not between the hours of nine o'clock at night, and six oclock in the morning: not in any hour during the Sabbath not to any intoxicated person; Never to any Indian or person popularly known as an Indian, Any Act contrary to the above restrictions shall make this your License void and of none effect.

This License shall continue in force till the first Monday in June now next following.

23rd Each Petty Court out of the fund arising from Licenses and penalties, shall defray any necessary expenses incurred in enforcing the Laws against the illegal sale of Spirits Wines or Beer or the furnishing of the means of intoxication to Indians accounting to the Governor & Council for all such receipts, and expenditure.

24th No action shall lie for the recovery of Penalties for any breach of the laws for regulating the sale of intoxicating liquor unless information shall have been given within six months after the commission of the offence.

Customs Duties.

25th All Goods imported into the District of Assiniboia from any part of the British Dominions, or from any foreign Country shall be subject to a levy of Four pr Cent ad valorem duty to be estimated at the price current of the original place of Export, London or New York, &c., excepting such articles as shall be otherwise specified—The following shall be admitted free from Customs Duty, viz:—

1. All Bar Iron and Steel.

2. All Books & Publications, whether imported for use or merchandise.

3. All Scientific Instruments.

4. All Agricultural Machines and Implements.

5. All Baggage—All Apparel and Utensils that have been or are in present use of the Owners.

6. All Seeds, Roots or Plants, tending to the improvement of Agriculture.

7. All Stationery and School Slates.

8. All Goods, the bona fide property of British Subjects entered at the time of Import as destined for parts not within the District of Assiniboia.

9. All Cases, Boxes, Barrels, Bottles, or Cloth covering which contain Goods or Fluids of any description.

10. Monumental Tablets or Tombstones.

11. All Grindstones and Stoves.

12. All Skins, Peltries, Parchment untanned Leather and all produce of the Chase generally.

13. All goods gratuitously given, and originally designed for the benefit of the Indian Missions of Ruperts Land, also all Wines imported for Church Service.

26th. There shall be four Collectors of Customs residing severally at each extreme and middle of the Settlement and at White Horse Plain whose residences shall be houses of clearance. A Collector of Customs shall have power to administer Oaths, to search for and seize contraband goods, and to prosecute defaulters, he shall have power to call Constables, and all loyal subjects of Her Britannic Majesty, to his aid, and all persons, not Constables, so called upon shall be paid by the Collector at the Public expense as special Constables extraordinary, say Ten Shillings pr Diem—A Collector of Customs shall have power to exact and receive payments of Customs Duty and to give receipts in discharge of the same. He shall twice in every month pay into the hands of the Governor, who is ex officio Receiver General, all revenues received by him, together with a list of the persons paying and the value of the Goods on which the duty has been paid. That each collector shall once every week transmit to the next nearest Clearance House a list of all Clearances made by him. Each Collector shall in addition to his salary, be entitled to one fifth part of the Proceeds of all seizures he shall make or cause to be made.

27th. Every person bringing Goods liable to duty into the District of Assiniboia whether Owner, Agent or Conductor

shall be provided with an invoice or manifest, which shall combine with the name of the Consignee an accurate account of the quantity and prime cost value of all goods contained in any carriage, vehicle or vessel or any conveyance whatsoever whether by land or water. This Invoice or Manifest shall be attested by the signature of the owner or his representative and on arrival of the goods within the Settlement the said Invoice or Manifest shall be produced to the Collector at the first House of Clearance the Goods may come to—otherwise the Goods shall be liable to detention. The Collector may verify the accuracy of any Invoice presented to him by an oath administered to the party or by examination of the Goods, opening packages if necessary, on being therewith satisfied he shall exact payment of duty, or at his discretion accept a Bond payable for the amount within a period of not more than three months which Bond may be sued for and recovered the same as any other contract debt.

The Collector on receiving satisfaction for the Duty as above defined shall write on the back of the Manifest the Words "Examined and Passed" attaching his signature and the date thereof, and this shall be held as sufficient Clearance.

Be it observed that in any case where the want of a Manifest is or has been unavoidable, the Collector may accept of the Sworn Declaration of the party, as to the value of the Goods or otherwise satisfy himself of their value —

28th. Every Owner or Importer or Consignee of Goods shall within twenty four hours of the arrival of such Goods exhibit his Manifest (if not already cleared) to the Collector of Customs, and any Owner Importer or Consignee of Goods failing to do so, shall in addition to the Duty forfeit a sum of not more than Fifty Pounds Sterling, or less at the discretion of the Court, which penalty may be sued for and recovered in the same manner as a Contract debt, and any package or Goods in bulk not entered into any Manifest shall be seized as contraband and forfeited to the Queen, or to the Governor & Council acting in her name, and in the event of any person refusing to show his Invoice or Manifest or refusing to pay the Duty or to give a Bond for the payment of the same, the Collector shall be authorized to seize all his Goods as contraband.

Any person making a false declaration under an Oath administered by a Collector may be indicted for wilful perjury.

Persons claiming exemption from Duty because of their Goods being destined for parts beyond the circle of Assiniboia shall as in the case of Goods for home consumption enter them

at one of the Custom Houses as being in transit for their destination and give a Bond that the said Goods will be duly carried and disposed of beyond the limits of the District of Assiniboia which Bond will be for an amount equal to half the prime cost of the Goods so entered and can only be cancelled by the Certificate of a Collector of Customs that the conditions of the Bond have been fulfilled, otherwise the amount of the Bond will be forfeited and shall be recoverable in the same manner as a contract debt.

29th All Goods liable for duty shall be held as Contraband if under the following circumstances they are unprotected by a Clearance.

1 If they have been within the premises of the Proprietor or Consignee for more than forty eight hours.

2 If they have been opened or any way disposed of or otherwise have passed from the original Importer or Consignee.

3 If not being liable for duty because of their destination being beyond the bounds of this District they shall have been opened or disposed of or in any way have passed from the possession of the original Importer or Consignee within the bounds of the District without the knowledge and sanction of a Collector of Customs—all such Goods unless otherwise provided for, shall forfeited to the Queen by the Governor and Council acting in her name.

All Goods so seized shall be deposited in the Court House and afterwards at authorized times be sold by public auction for the benefit of the revenue saving expenses, and the rights of the Collector.

30th. That a Duty of Five Shillings Per Gallon be imposed upon all fermented and Spiritous Liquors imported from the United Kingdom by the Consignee.

31st. The following shall be the Collectors of Customs:—

William Dease at Point Coupée with a salary of £20 Per Annum.

Roger Goulet at Upper Fort Garry with a salary of £35 Per Annum.

Patrice Breland at White Horse Plain with a salary of £20 Per Annum.

W. R. Smith at Lower Fort Garry with a salary of .....

Police.

32nd. Efficient Householders not exceeding twelve in number to remain in office for a term of three years from the

1st Sept. following the date of their appointment, shall be appointed Constables on the last Thursday in each year by the Magistrates especially assembled for the purpose and every Constable so appointed must take the following Oath:

"I swear by God, as I shall answer to God at the great day "of Judgement, that I shall till lawfully discharged from my "office of constable for the District of Assiniboia be always "ready at all hazards to serve and execute all legal writs and "to maintain the peace and security of the said District against "all enemies and disturbers of such peace or such security and "that I shall, to the utmost of my ability obey all laws and all "lawful authorities within and for the said district and induce "all others to obey the same and that I shall do my best to "become acquainted with all local regulations."

33rd. For any neglect of Duty any Constable may be suspended by any Magistrate or Petty Court or may be dismissed by the General Court.

34th. Each Constable shall receive Twelve Pounds a year to be paid half yearly excepting that if dismissed for neglect of Duty or pronounced after the close of his half year to have been deservedly suspended, he shall receive only Three Shillings and Sixpence for every day of actual service.

Debtors.

35th. That no immoveable property shall be sold without intimation made or posted previously on two successive Sundays at the door of every Church in the Settlement, and that in case the sale may have been effected without this intimation the buyer shall be responsible for the debts of the Seller to the amount of the true value of the immoveable property.

36th. That any creditor to the extent of not less than 20/- on making Oath before a Justice of the Peace to the correctness of the Debt and to the fact of his belief in his debtors intention to proceed to a Foreign Country or to a part of this Country over which the civil jurisdiction of the Courts of the Settlement does not extend may compel the said Debtor to show grounds for expecting his return to the Settlement within the same season as his departure or to give security for his appearance at the then next ensuing Competent Court, or failing both of these conditions apprehend and detain his person in the Settlement till then. And that from the operation of this law every debtor who has contracted with the Company or others to leave

the Settlement for a limited period, but who does not contemplate an unlimited absence from the Settlement shall be exempt if his agreement has been published by the exhibition of his name in the Company's office or other public place at least four days prior to the sitting of the last Competent Court preceding the date of his intended departure and further that in no case shall a debtor leaving the Settlement in terms of an agreement be liable to be detained for debts which were contracted with third parties after the date of the due publication of his agreement to leave the Settlement for a limited period.

37th. That in the case of a debtor who has left the Settlement for an unlimited period having property in the Settlement such property or as much of the same as may be deemed equal to the amount of the claim, shall at the discretion of any two Justices, be liable, on the sworn application of a creditor, to be attached in the hands of any third party, and that, failing the Debtors appearance before the said Justices after summons by proclamation, for three successive Sundays on two of the Protestant and two of the Catholic Church doors the Competent Court may proceed to execute justice in the matter according to their discretion, provided, however, that no such attachment shall be issuable against the property of a person who, although absent, can be proved to have publicly notified his intention of departure for ten days previous to the date of the same.

Intestate Estates.

38th. When any person has died without a written Will no individual shall intermeddle with the property till he has received Letters of Administration from the Governor of Assiniboia.

Marriage Licenses.

39th. On payment of One Pound a Marriage License shall be issued by the Governor of Assiniboia to any applicant who may have sworn before him, that neither himself nor his intended consort, is already living in lawful wedlock, saving the rights whatever they may be, of any ecclesiastical person in the premises.

40th. In future any legally ordained Presbyterian Minister labouring in the Settlement, may validly solomnize Marriages in the District of Assiniboia, and all registers of Marriages,

Baptisms and Burials regularly kept by any legally ordained Presbyterian Minister, shall be deemed legal and valid records.

Contracts for Service.

41st. That it shall not be lawful for any Freighter or Owner of any boat voyaging between Red River Settlement and any other place to embark any person as a Boatman without first entering into a contract in writing as nearly as may be in the form of the Schedule A hereafter written specifying what wages such person is to receive, in what capacity he is to serve, the time of entering such service, the period of starting, and the Port or Place to which each voyage is to be made, and to be signed by every such boatman respectively and attested by one witness where both contracting parties can sign their names, and by two witnesses when one or both contracting parties shall be unable to sign their names; the said contract to be distinctly and truly read to such boatmen before signature.

42nd. That if any boatman after having signed such agreement but not otherwise, shall neglect or refuse to join the boat he has engaged to serve in, or shall refuse to proceed on the voyage agreed upon or shall absent himself without leave, it shall be lawful for any Justice of the peace upon complaint being made on Oath by the Master or Owner of such boat, who shall produce his contract to apprehend the said boatman, and in case such boatman cannot give any sufficient reason for such absence, refusal or neglect the said Justice upon sufficient proof of such default may commit the boatman to jail for any period not exceeding thirty days unless such boatman shall agree to proceed on such voyage to the satisfaction of the complaining party, provided always that nothing herein shall deprive the Master or Owner of his legal recourse for the recovery of wages advanced to such boatman, nor deprive such boatman of the like recourse for wages due.

43rd. That public and sufficient notice shall be given of the day of starting not less than fourteen days previously.

SCHEDULE A.

An agreement made pursuant to a law of the Governor and Council of Assiniboia passed in the 21st Year of the reign of Her Majesty Queen Victoria between

of Red River Settlement Freighter and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons and they severally agree hereby to serve on board such boat or boats as may be hereafter designated in the several capacities against their respective names expressed on a voyage from Red River Settlement to York Factory and back to Red River Settlement—

And the said Crew or Crews further agree to conduct themselves in an orderly faithful, honest careful and sober manner and to be at all times diligent in their respective duties and stations and to be obedient to the lawful commands of the said Freighter or his representative in every thing relating to the said boat, and the Material Stores and Cargo thereof whether on board such boat or on shore—In consideration of which services to be duly honestly carefully and faithfully performed the said Freighter doth hereby promise and agree to pay the said Crew by way of compensation or wages the amount against their names respectively expressed in witness whereof the said parties have hereto subscribed their respective signatures mentioned

Date of Engagements.	Men's Signatures.	Capacity.	Season of Starting.	Wages.			Witnesses.

Surveyors.

44th. Messrs. Roger Goulet and Herbert L. Sabine shall be Surveyors for this Settlement without salary from the Public Funds but they shall be entitled to be paid Ten Shillings per diem each by any person who calls for their services.

Postal.

45th. James Ross Esquire shall be Post Master in the middle section of the Settlement with a salary of Ten Pounds Per Annum, and Thomas Sinclair Esquire shall be Postmaster in the lower section with a salary of six pounds per annum.

46th. A mail shall be carried between this Settlement and

Pembina at the public expense in connection with the U. S. Mail to Pembina and the mail from the Settlement shall be so regulated as to meet the U. S. mail at Pembina.

47th. The charge for postage by the Red River Mail from the Settlement to Pembina & from Pembina to the Settlement shall be as follows:—

Each letter under half an ounce one penny and one penny for each additional half ounce.

Every Magazine & Review Two Pence

Every paper one halfpenny except such papers going out as proceed directly from the office of publication and on those which come in as exchanges on which there shall be no charge

Books half a pound and under	5 Pence
" One Pound	9 "
" One Pound and a half	1 Shilling
" Two Pounds	1/2
And for every additional half pound	2 Pence

All letters carried between the Post Office and the Settlement shall have a charge of One Penny each.

48th. Letters that have lain in the Post Office one month uncalled for shall be advertised, and if not applied for within a Month after advertisement, shall be returned to distributing office, and all letters so advertised shall bear a charge of three pence each to be defrayed by the individual receiving such letter in addition to the regular postage.

Premium on Wolves' Heads.

49th. A premium of five shillings for the head of every large, and of Two Shillings and Six Pence for the head of every small Wolf killed within Twenty miles of the Settlement shall be paid from the Public Funds but from this premium the sum of Six Pence a head shall be retained by the Official who distributes the premium to claimants for his own benefit.

Administration of Justice.

50th. Dr. Bird shall be Coroner for the District of Assiniboia.

51st. James Ross Esquire shall be Sheriff for the same.

James Ross shall be Governor of the Gaol with a salary of Thirty Pounds a Year.

52nd. The General Court shall sit for the District of Assiniboia with a Jury on the third Thursday of February, on the third Tuesday of May, on the third Thursday of August and on the third Thursday of November.

53rd. In place of the laws of England of the date of the Hudsons Bay Company's Charter, the Laws of England of the date of Her Majesty's accession so far as they may be applicable to the condition of this Colony shall regulate the proceedings of the General Court till some higher authority or this Council shall have expressly provided either or in whole or in part to the contrary.

54th. Petty Courts shall sit as follows:—

1. White Horse Plain Section from Sturgeon Creek upward on both sides of the Assiniboine on the second Monday of January and of March on the first Monday of June, on the second Monday of July of September and of November at Mr. P. Breland's House.

2. Lower section from St. John's Cathedral downwards on both sides of the Red River on the fourth Monday of January of March of May of July of September and of November at Mr. T. Sinclair's House.

3. Upper Section comprising all the rest of the Settlement on the third Monday of every month at the Court House.

55th. The Petty Judges shall be as follows—

1st Section Mr. Francois Bruneau President with a salary of £12 a year.

Mr. P. Breland with a salary of £5 a year.
Mr. J. Taylor with a salary of £5 a year.
Mr. P. Falcon with a salary of £5 a year.

2nd Section Mr. T. Sinclair President with a salary of £8 a year.

Mr. D. Gunn with a salary of £5 a year.
Mr. John Inkster with a salary of £5 a year.
Mr. Dond. Murray with a salary of £5 a year.

3rd Section Mr. F. Bruneau President with a salary of £16 a year.

Mr. Wm. Dease with a salary of £10 a year.
Mr. A. Fidler with a salary of £5 a year.
Mr. S. Amlin with a salary of £5 a year.
Mr. A. G. B. Bannatyne with a salary of £5 a year.

56th. Two Petty Judges and the President shall form a quorum the President voting only when the others have not decided by at least a plurality of votes.

57th. The Petty Court shall take cognizance of all actions of debt with the exception of questions of revenue, not exceeding Five Pounds, and also of all petty offences which do not involve any other than a pecuniary fine of not more than Forty Shillings Sterling with the exception of cases arising from breach of the Liquor Laws or the Laws regarding the furnishing to Indians of the means of Intoxication in which cases the Petty Courts are specially competent to decide—Provided however, that where the debt exceeds Two Pounds the losing party may appeal to the General Court on giving security for costs.

58th. In any Petty Court, the original summons shall run only for its own Section of the Settlement, but all other Writs whatsoever shall run for the District of Assiniboia.

59th. If in any suit originally brought before the General Court the Bench after verdict rendered against the defendant shall unanimously decide that such suit ought to have gone before a Petty Court, the Plaintiff shall in that case recover Costs only as in such Petty Court.

60th. In every Court, either party to a civil action may be made the other's Witness.

61st. Every Writ, including service or execution thereof within the range of the Settlement, shall cost one shilling.

62nd. In a civil case the Jurors shall receive Two Shillings and Sixpence each while all witnesses whatever shall have Two Shillings and Sixpence a day each.

63rd. On every case entered for the General Court the Plaintiff shall deposit Ten Shillings which if the case comes on for trial shall go towards the payment of the Jury but should the case not come to trial the said deposit shall be forfeited if the case has not been withdrawn at least eight full days previous to the day on which the Court sits—the sums thus forfeited shall go to form a fund from which each Juryman summoned for the General Court who does not sit on a Civil Case shall receive Two Shillings and Sixpence for his attendance.

64th. Any person who may be imprisoned in respect of any crime or of any penalty, shall daily receive one pound of flour and half a pound of Pemican, and water at discretion and no person may be imprisoned or kept in prison at the suit of any creditor, unless he shall receive every week in advance a daily allowance of Sixpence from such Creditor.

Executive Office.

65th. Mr. William Robert Smith with a Salary of One Hundred Pounds a year, shall discharge all such administrative functions, as may not be specially assigned to any other person.

The above Sixty Five Resolutions were read and Carried during the forementioned days of the sitting of Council.

William Mactavish Esquire the Honorable Hudson's Bay Company's Agent at Upper Fort Garry stated to the Council of Assiniboia that he is ready to advance on the Guarantee of the Governor & Council Eight Hundred Bushels of wheat for seed to be paid in kind on or before 15 March, 1863.

The Bishop of Rupert's Land then moved and was seconded by Mr. T. Sinclair.

That the above liberal offer be accepted with the cordial thanks of the Governor & Council.

Carried unanimously.

The following Letters were presented to Council and read.

COLONY GARDENS, 4th April, 1862.

To the Honorable Council of Assiniboia

Understanding that one of the prominent objects of the next Meeting of your honorable body is to reconsider the Customs question, I beg to submit the following consideration.

The present system of having four Collectors of Customs has been condemned by public opinion as needlessly cumbrous and expensive. To remedy it, I would submit the following plan:—

1st. Let there be but two Collectors, and to do the work thoroughly two will be needed—as the line along which imports are received is very extended.

2nd. Two Collectors can do the work for half the sum at present expended.

3rd. The most feasible plan would seem to be to divide the Settlement into two Districts, allotting to one Collector the Assiniboine and Red Rivers, above Fort Garry, and to the other all below the said Fort.

The Collector who would have the lower of these Districts should also have all the steamboat duties to collect. As to Carts or flatboats, the Collectors would have to attend to such as came within their respective Districts.

If your Honorable Council would appoint me, I would undertake the Collection of all Customs Duties in the District from Upper Fort Garry downwards, for the sum of £40 Per Annum, or should some other plan appear preferable, I would be willing to undertake any share of the Duties allotted to me at a similarly reduced rate.

I remain, Gentlemen, Yr. Mst. Obed. Servant,

(Signed) WILLIAM COLDWELL.

RED RIVER SETTLEMENT,
7th April, 1862.

To the Honorable The Governor & Council of Assiniboia

Gentlemen

The present system of collecting the public revenue gives great dissatisfaction to the people of this Settlement, the general feeling is that far more is paid than should be, and that there are needlessly many Collectors, The amount paid has been steadily rising for many years; and last year the increase in the expense was enormous. Whereas, in the previous year only £15 was paid in addition to Mr. Smith's allowance, last year it became £120 an absolute increase in the expense of £105.

In view of the present unsatisfactory system and the strong probability that ere long a change would become necessary I beg respectfully to make the following offer to your Honorable Body: I will collect all the Duties which at present fall to Messrs Dease and Goulet for half what is allowed them that is for £40 Sterling Per Annum; or I will collect in Mr. Smith's District for £20; or all together for £60—The last mentioned proposal, however, I make on condition that it be not absolutely necessary to collect at Lower Fort. As you are aware the Importers by Hudson's Bay are without exception residents and property holders, and therefore the duties could be collected from them as effectually at their own homes as at the said Lower Fort. This change while more convenient for the Collector would also be decidedly more convenient for the importers, and would not in the smallest degree injure the Public Revenue.

In regard to my fitness for the office, I beg to refer your Honorable Council to the accompanying Testimonial as Certificate from Gentlemen thoroughly acquainted with me.

I remain Gentlemen,
Your humble & obedient servant

(Signed) JOHN FRASER.

RED RIVER, April 7th, 1862.

We hereby give it as our opinion that Mr. John Fraser is capable and willing to undertake the Office of Collector of Customs and will do so at a great reduction in the present rate.

Signed A. G. B. Bannatyne,
" Andrew McDermot,
" Wm. Drever,
" James Ross,
" Wm. Inkster.
W. MACTAVISH.

Minutes of a meeting of the Governor and Council of Assiniboia, held on the 4th Day of June, 1862, at which were present the following members of Council, viz:—

Alexander G. Dallas, Esquire, Gov.[1] in Chief of Rupert's Land, President.

William Mactavish, Esquire, Gov. of Assiniboia.

The Rt. Revd. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Revd. The Bishop of St. Boniface, Councillor of Assiniboia.

Henry Fisher, Councillor of Assiniboia.
Francois Bruneau, " "
John Inkster, " "
Robert McBeath, " "
Salomon Amlin, " "
Thomas Sinclair, " "
John Black, Esquire, Recorder and " "

The Governor in Chief of Rupert's Land rose from his seat and stated—That he appeared there to take his seat as Governor in Chief of Rupert's Land, and that it would be his earnest endeavour to work with, and assist the Council to the best of his ability, trusting very much to their support, and co-oper-

[1] Governor Dallas had arrived at Fort Garry on May 18, 1862.

ation. Mr. D. also wished to correct an error which had inadvertently crept into the "Nor Wester" Newspaper, wherein it was stated that he was a large shareholder in the Hudson's Bay Company. It might strengthen his position to let it be known that he was not a shareholder, and had no direct interest in the Company. On receiving his appointment of Governor in Chief of Rupert's Land, he was obliged to dispose of his stock, and resign his seat as a director of the Company. He therefore stood before them independent of all interested motives, and anxious only to promote the best interests of the Country.

Mr. Dallas then begged to introduce Mr. Black, a gentleman well known as a former resident in the Country, and who had been appointed to preside over the Courts of Justice, and to perform the duties of Recorder, Coroner, &c. He was glad to see Mr Black so cordially welcomed by his old friends, and that his appointment appeared to be an acceptable one to the Community generally. Since his former residence in this Settlement Mr. Black had filled high and important Government Offices in Australia, where he had gained much knowledge and experience in Colonial matters.

Mr. Black was then sworn in as a member of the Council of Assiniboia, to which Office he had also been appointed.

The following Letter was then read:—

Macduff House,
May 17th, 1862.

William Mactavish, Esquire.

My Dear Sir,—

I have now managed the Post Office for three years. I have laboured diligently and faithfully—bestowing more care and attention than perhaps any other would have done, considering the trifling salary which is given. It was not the salary that induced me to take the P. O., but my wish to fill a sphere of public usefulness. The same motive will induce me to keep it, if I should get no more than at present, but I hope this willingness on my part will not be made a reason for continuing an arrangement which is hardly fair to me.

In requesting an increase of salary, I beg to submit the following observations:—

1. P. O. duties require me to remain almost constantly at home. For two or three days before the mail starts, and two or

three days after it comes in, *I must* absolutely be at home, to receive or give out mail matter. And though I may not all the time be actually engaged, I must, nevertheless, be in attendance, to be ready at a call.

2. I have been obliged to erect a Post Office Building, at an outlay of £30. A Post Office is always built at the public expense, or a building is rented for the purpose: here it is done at my own expense, and I will, from the 1st June, formally give it up to the Postal service free of expense, rent and charge of any kind. A private dwelling-house is not at all suitable for the purpose. On the one hand it is inconvenient for the inmates, as there is a constant stream of people in and out, making such house a perfect thoroughfare; and on the other hand it is by no means agreeable to Mail-dealers to feel that they are intruding upon or disturbing family arrangements.

3. The keeping of accounts is a very considerable labour—requiring constant care, accuracy, and punctuality, in order to prevent confusion. Such a multiplicity of accounts, too! I have not only to keep a strict account of all letters, papers, pamphlets, magazines, books, &c., that come and go, but these have to be classified according to charges, assorted and stamped; and then I must accurately note the receipts and expenditure; I have to keep accounts with the Pembina P. O., with the Mail Carrier, and with Mr. Sinclair (P. M. at St. Andrew's); I have the responsibility of the monies due the U. S. on account of postage; and at the year's end, have the year's account to make out and give in.

4. One constant source of labour is keeping running accounts with Mail-dealers. There are many poor people who cannot pay at once, and many others who, though able, on account of the distance at which they reside, pay only at intervals. There are over twenty, sometimes as many as thirty, with whom I thus keep open accounts. I am aware that this is not obligatory upon me; but you know dear Sir how difficult it is to enforce strictly the rule of immediate payment. This manifold account keeping imposes much additional labour, but it is a very great convenience to Mail-dealers. It is, in fact, a necessary evil. The worse feature of this case is, that too often I lose the postage altogether. The amount due by each at any one time may be only a few pence or a few shillings; but, taking into account the number of such free and easy dealers, my total loss annually cannot be trifling. Were my salary larger, however, I would think nothing of the trouble or the loss. As it is at pre-

sent, you can see that this system is the reverse of satisfactory or remunerative.

5. Previous Post-Masters have complained that the allowance was too small, and one (Mr. Drever) actually threw up his post because the Council would not increase his salary. Those who have had to do the work may be taken as good judges of its extent and character.

6. £10 was the salary when the mail was monthly, at present it is fortnightly and will in all probability be trimonthly or weekly before many months.

7. Be it remembered, lastly, that the P. O. is a most important branch of the public service, here as well as in all other countries. It materially helps trade and commerce, while administering to the convenience, comfort and happiness of the community.

Now, you may suppose that raising *my* salary will render it necessary to raise Mr. Sinclair's too; and while I would not grudge Mr Sinclair the smallest advantage, but rejoice in his obtaining pecuniary benefits; still let me point out the very great difference in our respective labours.

1. *I alone* have to see that the mail is punctually and regularly carried between this and Pembina, employing mail carriers, paying them and keeping accounts with them. Mr. S. has nothing to do with this.

2. *I alone* keep the accounts during the year with the Pembina P. O. and answer for all monies due that office.

3. *I alone* keep the accounts of the P. O. here, and make up the annual statement for the Public Accounts.

4 *I alone* have to make up the outgoing mails arranging and classifying the letters & papers & stamping them.

5 I have at least five times as much mail matter to receive & distribute as Mr. Sinclair.

6 *I alone* have to attend to P.O. correspondence, scarcely a mail passes but communications come addressed "P. M. Fort Garry" This extra trouble falls entirely to me.

Of course, you will at once perceive that I do not state these reasons to disparage Mr. Sinclair's labour, but simply to show that an increase in *my* salary would not be unreasonable even though *his* were left at the present figure.

I submit these statements in writing, in order that you might have them for reference, if necessary, prior to the next

Meeting of Council, or at such Meeting; and I venture to bespeak for the subject a fair and candid consideration.

I remain Esteemed Sir,
Your humble & obdt. Servant,

(Signed) James Ross.

The above letter
To be laid on the table.

Mr. Thomas Sinclair moved and The Bishop of Rupert's Land seconded.

That the sum of £175 be granted for Roads and Bridges of the Lower District.

Carried unanimously.

It was moved by Mr. Inkster and seconded by the Bishop of St. Boniface

That the sum of £200 be granted for the Roads and Bridges of the Middle District.

Carried unanimously.

It was moved by Mr. Bruneau and seconded by Mr. McBeath

That the sum of £160 be granted for the Roads and Bridges of the Upper District.

Carried unanimously.

It was moved by the Bishop of St. Boniface and seconded by Mr. Fisher

That the sum of £60 be granted for the Roads and Bridges of White Horse Plain District.

Carried unanimously.

It was unanimously Granted by the Council of Assiniboia That Mr. Angus Matheson Senr. be allowed to establish a Ferry across the Red River at his own Lot at a reasonable scale of charges.

Mr. Bruneau presented the following letter:

The President and Members of the Honourable Council of Assiniboia

The undersigned believing that your honourable body are disposed to encourage the manufacture of such economic materials as we possess—thus decreasing the present price of Manufactured articles and affording a better price and more demand for the crude material; we therefore submit for your consideration, a scheme whereby to encourage the manufacture of the different kinds of soap.

Your Honourable Body will recollect that in the Manufacture of Soap the use of Potash lye is now entirely superseded by that of Soda Ash which from its weight and the large proportion used (about 38 pr. ct.) makes it an expensive article and that with the large expense of the necessary apparatus and the payment of skilful workmen renders us unable under present circumstances to compete with the Manufactures of St. Paul and other places

In view of this: We the undersigned therefore pray that your honourable body cause this Manufacture to be protected and encouraged by a large import duty—The Law to come into effect when we or others shall have shown to your Honourable body that we or they can furnish the common varieties of Soap to dealers and consumers at the same or a slightly increased advance on the present cost and charges.

And we will ever pray &c &c

(Signed) McKenney & Co.[1]

Answer "to lie Over."

It was moved by the Bishop of St. Boniface and seconded by Mr. Bruneau

That no Wines or Spirits (except for Church Services) shall be allowed to pass through the District of Assiniboia in Bond but that all Wines and Spirits entering the said District shall bear the legal Duty. This law to be in force from the 1st November next.

Carried unanimously.

It was moved by the Bishop of Rupert's Land and seconded by the Bishop of St. Boniface

That the Council desire to take this opportunity of tendering a cordial welcome to Governor Dallas on his arrival in the Country and beg to offer him the assurances of their best services in promoting the general welfare of the community.

Carried unanimously.

W. Mactavish.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Friday the 18th July 1862 at which were present the following Members of the Council, viz:

William Mactavish, Esquire, Governor of Assiniboia, President.

[1] Henry McKenney, half brother of Dr. John Schultz, came from Canada to Red River in 1859.

The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Rev. The Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Esquire, Recorder, and Councillor of Assiniboia.

John E. Harriott,	Councillor of	Assiniboia.
Henry Fisher,	"	"
Francois Bruneau,	"	"
John Inkster,	"	"
Robert MacBeath	"	"
Maximilian Genton	"	"

After the Minutes of the last Meeting of Council had been read Mr. Smith presented the Annual Statement of the Public Accounts shewing a Balance in favor of the Public Fund amounting to £159. 16. 4½.

It was moved by the Bishop of St. Boniface and was seconded by John E. Harriott, Esquire

That the Public Accts. having been audited and found correct do pass.

Carried unanimously.

The following letter was read by the Clerk.

Red River Settlement,
12th July, 1862.

William Mactavish, Esquire. We, the inhabitants of this Settlement would respectfully request of you to change the season of commencing hay making from the First of August to the 22nd of the present month, for the following reasons, the crops this year will be very early and if people are not allowed to cut hay before the 1st of August the harvest will be on in a few days after, again if the hay is left till after the harvest it will be of an inferior quality, and further we would much rather have you repeal the law for the present year at least than tempt people to break through, these are some of our reasons as well as many more of our neighbours whom we have not called upon to sign this, we are only sorry to trouble you as the time is so short. Therefore trusting that you will cordially agree with us and give notice as early as possible.

We remain dear Sir,
Your obedient Servants,
Signed by 18 Signatures.

It was Resolved and unanimously carried that the hay cutting this year commence on Thursday the 24th July and that Public Notice be given of this alteration of the Law.

It was moved by Mr. Bruneau and seconded by Mr. Inkster,

That for the future during the first week of July in each year a Meeting of the Governor & Council of Assiniboia shall be held for the purpose of fixing the day for begining to cut Hay in the Settlement.

Carried unanimously.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Thursday the 30th day of October, 1862 at which were present the following Members of the Council[1] viz.

Alexander G. Dallas, Esquire, Govr. in Chief of Rupert's Land, President.

William Mactavish, Esquire Governor of Assiniboia.

The Rt. Revd. The Lord Bishop of Rupert's Land Councillor of Assiniboia.

The Rt. Revd. Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Esquire, Recorder, Councillor of Assiniboia.
Francois Bruneau " "
Salomon Amlin " "
John Inkster " "
Thomas Sinclair " "
Robert McBeath " "
Maximilian Genton " "

After the Minutes of the last Council had been read The President said that—

His main reason, in assembling the Council was to consult with & receive their advice, as to what steps they might consider it necessary to adopt in relation to the apprehended assemblage of Indians next Summer in the Settlement. He would take the opportunity of stating publicly, what Mr. Mactavish and himself had frequently told them and others in the course of conversation, & what he believed was generally well known, viz—that the last body of troops in this Settlement, had been moved, not only against the wishes, but against the earnest remonstrances of the Hudson's Bay Company.

[1] A copy of this Minute was printed in the Imperial Blue Book, Hudson's Bay Company, 1857-1870.

Should the presence of troops now be considered necessary the proper step would be for the people to make known their desire to the home Government by Memorial or otherwise. The Company might not feel inclined to renew their application, or it might meet with little attention: at all events their hands would be much strengthened by being enabled to appear as the exponents of the wishes of the people and not of their own interests, as might possibly be imputed to them. It rested very much with the people themselves whether they were to have troops or not. The interests and welfare of the Company were to a great extent identified with those of the Settlers. In the event of hostilities with Indians, he had no doubt that the Company's Forts could be easily defended, but he need only refer to the scenes lately enacted in Minnesota to imagine what would be the fate of the outlying farms and dwellings, were a similar outbreak to occur in this territory. He did not apprehend anything so serious, still it was only prudent to be prepared for every contingency. Her Majesty's Government would probably expect the Company or the Settlers to provide for the transport and maintenance of the troops, but he trusted that the matter would be dealt with in a liberal spirit. The Company, as they well knew, had no public revenue to meet public expenditure. In writing upon this subject to the Governor and Committee on the 10th instant, he cautioned them against expecting much from the Settlers; though a few of them might be able and willing to contribute, the majority were too poor to do so. He had been given to understand that the people generally would be glad to form a local Militia for the defence of the Settlement; if they did so, more could hardly be expected from them, and the subject was well worthy of consideration.

Having now stated his views, he would leave the matter entirely in the hands of the Council. From their long residence in the Country, and acquaintance with the habits of the Indians, they were better qualified than he could be to judge as to the reality of the apprehended danger and the best means of counteracting it. For himself he had no fears, and with or without troops, he was equally prepared to remain with his family in the Settlement. He could give no better proof than this, of his confidence that the people would unite cordially in whatever measures it might be considered necessary to adopt for the common safety.—

It was moved by Bishop Taché, seconded by Mr. Bruneau and unanimously carried,

That in the opinion of the Council—the Settlement, in its present defenceless condition, is exposed to imminent danger from the Indian tribes.

It was moved by the Bishop of Rupert's Land seconded by Mr. Sinclair and unanimously carried,

That it is further the opinion of this Council that the best and only effectual means of meeting that danger, would be the presence of a Body of British Troops in the Settlement, and that the Settlers at large ought immediately to unite in a strong and urgent appeal to the Home Government for the establishment of a Garrison.

It was then proposed and carried, That Mr. Black be requested to draw up a Petition, on the part of the Settlers generally, to the Home Government, setting forth the present exigency in as strong and faithful a light as possible, and, on every consideration that can be fairly urged in support of the object, praying the Government to afford to the Settlement the desired Military protection; Whereupon Mr. Black expressed his readiness to prepare such a document for signature.

It was moved by Mr. Sinclair, seconded by Mr. Inkster and unanimously carried,

That the necessary means be taken for procuring Signatures to the Petition, and that Governor Dallas be respectfully requested to transmit it to the Home Government, with the benefit of all the influence which his Excellency can use in its support—

It was moved that this Council be adjourned.

W. Mactavish.

Minutes of a Meeting of the Governor & Council of Assiniboia held on Tuesday the 25th day of November, 1862 at which were present the following Members of Council, viz.—

Alexander G. Dallas Esq., Gov. in Chief of Rupert's Land President.

The Rt. Revd. The Lord Bishop of Rupert's Land Councillor of Assiniboia.

The Rt. Rev. Lord Bishop of St. Boniface, Councillor of Assiniboia.

William Mactavish,	Councillor of	Assiniboia.
John Black,	"	"
John Inkster,	"	"
John Dease,	"	"
Thomas Sinclair,	"	"
Henry Fisher,	"	"
William Cowan,	"	"
Francois Bruneau,	"	"
Robert McBeath,	"	"

After the Minutes of the last Meeting of Council had been read. -

Mr. Bruneau moved, seconded by Mr. McBeath and unanimously carried,

That an additional sum of Twelve Pounds be granted to the White Horse Plain District Public Works.

But while granting this extra allowance of £12 the Council think it necessary to guard themselves against similar claims in future of an extraordinary kind by stating that the present vote is not to be drawn into a precedent for future applications.

Mr. Mactavish stated that he wished to bring under the consideration of the Council the conduct of one of the Public Officers viz Mr. Sheriff Ross[1] in stirring up the people as he has lately been doing to opposition to the Council and in endeavouring to thwart the Council in the measures they had thought proper to take for the public peace, and common safety, by calling upon the public to look upon their acts with suspicion, and representing to the Home Government that there was no Justice to be obtained between man and man in this Settlement —such conduct being incompatible with his position as an Officer of Government.

He therefore moved, and Bishop Taché seconded and unanimously carried,

That Mr. James Ross be removed from all his Public Offices from this day.

Moved by the Bishop of Rupert's Land, seconded by Mr. Inkster and unanimously carried,

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[1] James Ross, through the columns of the Nor'Wester attacked the Council. The Nor'Wester had also drawn up a counter petition to that of Gov. Dallas. It asked for troops but criticised the Company's jurisdiction.

That the Council wholly decline to send any report of their proceedings in future to the "Nor Wester' for publication, as the report of their last Meeting was so unfairly dealt with.

It was moved by Mr. Bruneau and seconded by Bishop Taché and carried,

That Mr. Henry McKenny be appointed Sheriff and Governor of the Gaol on the express condition of his immediately resigning his License, and that Mr. A. G. B. Bannatyne be Post Master.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Wednesday the Eleventh day of March, One Thousand Eight Hundred and Sixty-three, at which were present the following Members of Council, viz.:

A. G. Dallas, Esq., Governor in Chief of Rupert's Land, President.

W. Mactavish, Esq., Governor of Assiniboia, Councillor of Assiniboia.

The Rt. Revd. Lord Bishop of Rupert's Land Councillor of Assiniboia.

The Rt. Revd. Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Esquire, Recorder, Councillor of Assiniboia
William Cowan, Esquire, M.D., " "
John E. Harriott, Esquire, " "
Henry Fisher, " "
François Bruneau, " "
Robert McBeath, " "
John Inkster, " "
Maximilian Genton, " "
Thomas Sinclair, " "
Salomon Amlin, " "

After the Minutes of the last Council had been read the Governor in Chief stated he had caused the Council to be convened chiefly for the purpose of laying before them a Petition he had recently received from a number of the Settlers concerning the organization of a Volunteer Cavalry Corps, as a means of public protection against apprehended disturbance by the Sioux and other Indians; and he therefore called upon the Clerk to read the Petition of which the following is a copy:

To His Excellency A. G. Dallas,

Governor in Chief of Rupert's Land and the Governor and Council of Assiniboia, humbly sheweth:

That a large Band of Sioux Indians have collected in our immediate neighbourhood, at the Village of St. Joseph, seventy miles from this place who are well armed and equipped, and daily receiving large additions to their numbers from Tribes to the Westward.

That these Indians who have lately participated in the Minnesota Massacres are now taking the property of our neighbours the Settlers at St. Joseph, and threaten a descent on this Settlement which may be expected at any moment.

That the Cree Indians have also threatened to make a descent upon us in the early Spring,, and we fear that being emboldened by the successes of the Sioux they will fulfil the threat.

That we are at present without any armed force, and with the arms now in common use we could not make a successful resistance to an attack by a large body of Indians, many of whom are armed with the best long range Rifles, Revolving Pistols and double barrelled Guns.

That although we confidently anticipate the arrival of a British Regular Force at the earliest possible moment practicable for transportation in the Spring for the protection of the Settlement, yet in the interim we remain quite unprotected and the lives of our families and ourselves are in great and imminent danger.

That at this critical juncture we confidently rely on the desire as well as the ability of your Honorable Body to take wise, prompt and vigorous measures for the effectual protection of the Country.

We therefore humbly pray—That the proper steps be taken by your Honorable Body for the immediate enrollment of from two to four hundred volunteers to be formed into Cavalry Companies.

That these Companies be armed with the most improved and efficient Cavalry Arms.

That they be enrolled upon such terms and for such time as in the judgment of your Honorable Body may be held expedient for the protection of the Settlement.

That an Agent be despatched forthwith to effect the purchase or loan of the necessary arms and equipment.

And your petitioners as in duty bound will ever pray.

Red River Settlement,
2nd March, 1863.

The Clerk having read the document and stated that it contained 449 Signatures, the Council took the Petition into full consideration, and finally expresses a general opinion, that, while there was certainly some ground for anxiety regarding the public safety at the hands of the Indians, the danger to be apprehended from that source was not *now* so imminent as the Petitioners appeared to believe and that, under present circumstances, it would be somewhat premature on the part of the Council to take immediate measures for the organization of such local force as that proposed, measures which, if adopted, would be attended with a heavier expense than, perhaps, even the Petitioners might be either able or willing to bear.

In considering the question, the Council could not but call to rememberance the fact, that they had so recently applied to the Home Government for a body of British Troops, for the protection of the Settlement; and, seeing that such application may possibly soon be followed by the introduction into the Country of a sufficient body of troops, in time to avert the apprehended dangers, the Council unanimously determined to defer the farther consideration of the whole matter to some future day, but with the view of strengthening the Petition lately sent home for troops, the Council strongly recommend that the Petition now under consideration, or a copy of it, be immediately transmitted to England by the Governor-in-Chief.

There was then read a petition from Messrs. McKenny & Co.[1] and another of similar purport, from Mr. William Inkster, praying the[2] Council for the cancelling of certain Bonds granted to Collector Goulet, by the former for £8. 12. 6, and by the latter for £28. 5. 0., as the amounts of duty, at the rate of 5/ per gallon, payable under the operation of the Resolution of Council of 4th Day of June last on Spirits imported by the Petitioners respectively, last Autumn, from St. Paul. The

[1] See Documbent No 91 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.
[2] See Document No. 92 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

Petitioners represent, that, although the Spirits in question did not come within the boundary-line till some days after the date at which that Resolution took effect, namely the 1st of November, yet, that, in their opinion, the spirit of that Resolution ought to exempt them from the payment of the duty it imposed; seing that the understood object of postponing the operation of the law until the 1st November, was to allow persons who had already made their purchases, to import them under the old law, and seeing further that the petitioners had purchased their alcohol in ample time, as they believed, to have enabled them under ordinary circumstances, to deliver it in the Settlement before the 1st November, but that, owing to the Indian disturbances along the usual line of transport, it had not arrived till some days later.

The Council, after due consideration of the Petitions, and keeping prominently in view the fact that the alcohol in question had been purchased sometime *after* the adoption of the resolution of the 4th of June last, resolved, by a majority of eleven, to decline cancelling the Bonds for the duty.

There was next laid before the Council a Letter from Collector Goulet regarding the difficulties experienced under the present local regulation, in preventing evasions of the duty on imports from the States, and praying the Council by some alteration of the law to apply the requisite remedy.

On the Motion of the Bishop of Rupert's Land, Seconded by Mr. Harriott, it was

Resolved— unanimously—That the following members of Council be appointed a Committee,—Three being a Quorum, —to consider the subject of Collector Goulet's letter, with particular reference to the 27th and 28th Articles of the Local Laws of 11th April 1862, and to report to the next meeting of Council as to any alterations they may think necessary;— Governor William Mactavish, Recorder Black, Dr. Cowan, Mr. Bruneau and Mr. Sinclair.

A Memorial was read from Mr. C. Garrett regarding a proposal for superintending a certain Section of the public roads; and after some remarks, the Council ordered that the Memorial lie on the table.

The Governor of Assiniboia informed the Council that he had lately felt it his duty to suspend Mr. John Taylor from Office as a Petty Magistrate for the White Horse Plains District, on account of certain acts of maladministration to which the Governor of Assiniboia directed the Council's atten-

tion. He now proposed that Mr. Taylor be finally dismissed from his office and it was therefore

Resolved Unanimously that Mr. Taylor be dismissed accordingly.

It was afterwards moved by Mr. Bruneau, Seconded by Mr. Harriott and

Resolved Unanimously that Mr. Wm. Tait of Headingley be appointed one of the Petty Magistrates for the White Horse Plain District—

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Thursday the ninth day of April, One Thousand Eight Hundred and Sixty Three. At which were present the following Councillors of Assiniboia, viz.:

A. G. Dallas Esquire Govr. in Chief of Rupert's Land President.

Wm. Mactavish Esquire Govr. of Assiniboia Councillor of Assiniboia.

The Rt. Revd. The Lord Bishop of Rupert's Land Councillor of Assiniboia.

The Rt. Revd. The Bishop of St. Boniface Councillor of Assiniboia.

John Black Esquire Recorder and Councillor of Assiniboia.

William Cowan Esquire, M.D., Councillor of Assiniboia.
John Inkster " "
Francois Bruneau " "
Robert McBeath " "
Henry Fisher

The Clerk having read the Minutes of the last Meeting of Council, the President stated that he had convened the Council to take into their consideration a number of Tenders for the Office of Superintendents of Roads, &c., and other business to be brought before them.

The Governor of Assiniboia stated, that he had informed Mr. William Tait of his appointment as a Magistrate for White Horse Plain District and that Mr. Tait had accepted the office.

Then the Governor of Assiniboia brought up the report of the Committee on Mr. Goulet's Letter of which report the following is a copy

Report to the Committee appointed by the Council held March last to consider the letter of Mr. Collector Goulet regarding the evasion of duty on goods imported into the Settlement.

After careful consideration of the subject referred to them, your Committee beg to recommend, as being in their opinion, the most likely means of preventing the evils complained of—

1st That instead of the omission to produce at the first House of Clearance nearest to which any imported goods shall pass, an invoice or manifest merely subjecting the goods to detention, such omission should subject the owner to a penalty of not more than £50 sterling.

2nd. That the 28th Article should be altered so as to make it compulsory on every owner, importer or consignee of goods under the specified penalty of not more than, Fifty Pounds, to exhibit to a Collector of Customs, *immediately after the arrival of his goods* (if not already cleared) a Manifest of his Importations, and that it should be expressly declared that every owner, importer or Consignee, shall be bound under the like penalty to produce such Invoice or Manifest to any Collector of Customs whenever and wherever he shall demand it after the actual arrival of the Goods within the bounds of the Settlement.

(Signed) W. MACTAVISH...
Chairman.

And on the Governor of Assiniboia's proposal the Report was adopted

With the view of giving effect to the recommendation of the Committee Mr. Black seconded by Mr. Fisher proposed and Council unanimously

Resolved—That, instead of the omission to produce at the first house of Clearance nearest to which any imported goods shall pass, an Invoice or Manifest thereof, merely subjecting such goods to the liability of being detained, a provision should be substituted in the present Law as stated in Article 27 of the Local Code of 11th April 1862, to the effect that such omissions should subject the owner of the goods, or his representative to a penalty of not more than £50 Sterling or less at the discretion of the Court to be sued for in the same manner as a contract debt; and that the first House of Clearance shall be understood to mean that Station nearest to which

the goods, in being conveyed to their destination by the most direct practicable route, would naturally pass.

It was further determined to repeal the whole of the first section of the 28th Article of the said code being that section contained between the Word "Every" at the beginning of the same and the Word "Contraband" as it occurs the second time in that Section; and in lieu of such repealed section it was unanimously

Resolved—That every owner or Importer or Consignee of goods shall, at any time after the arrival of the same within the limits of Assiniboia, be bound to exhibit the Invoice or Manifest thereof to any Collector of Customs demanding it; and every owner, importer or consignee of goods, immediately on the arrival thereof at their destination, shall, unless the goods have been already cleared be bound to enter the same and pay the duty to the Collector at the Custom House nearest the said place of destination; and any importer or owner or consignee neglecting to comply with either of the foregoing provisions shall, in addition to the Duty, forfeit a sum of not more than Fifty Pounds Sterling or less at the discretion of the Court, which penalty may be sued for and recovered in the same manner as a contract debt. And any package or goods in Bulk not entered into any Manifest shall be seized as Contraband and forfeited to the Queen, or to the Governor and Council acting in her name, and in the event of any person refusing to pay the duty or to give a bond for the payment of the same, the Collector shall be authorized to seize all his goods as contraband.

It was unanimously

Resolved—That the following appointments of Road Superintendents be now made for the year commencing the 11th inst. at the undermentioned salaries viz.:

White Horse Plain District, Mr. Patrice Breland	£12.
Lower Section, Mr. Thomas Sinclair	£25.
Middle Section, Mr. Fraser	£15.
Upper Section, Mr. F. Bruneau	£25.

It being understood that in the cases of Mr. Sinclair and Mr. Bruneau the above salaries have been fixed on the principle of covering to some extent the discharge of other public functions.

It was unanimously

Resolved—That the present Collectors of Customs be reappointed at their present Salaries.

The President laid before the Council a Petition purporting to come from 530 persons addressed to the Governor and Council of Assiniboia, with reference to the imprisonment of the Rev. G. O. Corbett under a sentence of the General Quarterly Court held in February last for the crime of which he was then tried and Praying for the remission of the yet unfulfilled portion of the sentence.

The Council, considering that strictly speaking they had no authority to entertain such an application, and that it is with the Governor in Chief as the head of the Executive that its disposal must rest, felt that they could do no more in the matter than refer the Petitioners to the Governor in Chief. And they directed that the deputation who presented the Petition be informed that it had been placed in the Governor in Chief's hands to be dealt with as he may deem advisable.

It was then unanimously

Resolved—That the Council do now adjourn.

W. MACTAVISH.

Minutes of a meeting of the Governor and Council of Assiniboia, held on the 28th Day of April, 1863, at which were present the following Councillors:—

A. G. Dallas, Esquire, Governor in Chief, President.

William Mactavish, Esquire, Governor of Assiniboia.

The Rt. Rev. The Lord Bishop, Rupert's Land Councillor of Assiniboia.

John Black, Esquire, Recorder and Councillor of Assiniboia.

William Cowan, Esquire, M.D., Councillor of Assiniboia.
Francois Bruneau, " "
Robert McBeath, " "
John Inkster, " "
Thomas Sinclair, " "
Pascal Breland, " "
Henry Fisher, " "
Salomon Amlin, " "
Maximilian Genton, " "

After the Minutes of last meeting had been read the Governor in Chief informed the Council that, after reference to the Judge and Magistrates who had presided at the trial of G. O.

Corbett,[1] he had not felt warranted in interfering with the lenient sentence of the Court or releasing the prisoner. The Judge in his reply had stated that he entirely concurred in the verdict of the Jury that the case otherwise presented no extenuating circumstances.

The Governor wished to ascertain the views of the Council in regard to the late outrages in breaking open the Jail and rescuing the two prisoners G. O. Corbett and James Stewart, and to take the opportunity of thanking the numerous body of people who had come forward to the support of the authorities. His reason for not availing himself of that force to defend the prison was dictated solely by humanity, and not by the fear of being unable to defend the prison, there being serious apprehensions that such a defence would have involved bloodshed and arrayed in the bitterest strife one portion of the community against the other. Another weighty reason was the danger to be apprehended from the surrounding Indian Tribes, should the inhabitants of the Settlement be divided against themselves in open warfare.

The Governor then requested the Clerk to read a letter which had been addressed to him by the Magistrates in regard to the present state of matters and of which the following is a copy.

COURT HOUSE, RED RIVER,
28th April, 1863.

A. G. DALLAS, ESQUIRE,
Governor in Chief.

We have the honor to state that the riotous and unlawful proceedings which have attended the recent rescue, on the 20th instant, of the prisoner G. O. Corbett from Gaol, and the subsequent rescue from Gaol, on the 22nd instant, of James Stewart who had been apprehended as one of the persons concerned in the first outrage, have placed us, the Magistrates of the Settlement, in a position which constrains us to address you, in the hope that by conferring with the Council or otherwise, you may

[1] *Rev. Griffith Owen Corbett* had given evidence unfavourable to the H. B. Co., before the H. of C. Committee of 1857. He had been sentenced recently to 6 months imprisonment for attempting abortion on the person of a young domestic in his service. The account of his trial is given in great detail in the Minutes of the General Quarterly Court, Provincial Library, Winnipeg.

James Stewart was arrested as one of the ring leaders of a party that surrounded the gaol and liberated Rev. G. O. Corbett. He was in turn liberated by a party under William Hallett and John Bourke, English half-breeds.

be enabled to devise some measures for adequately strengthening our hands in the maintenance of authority and order in the Settlement.

For years past, the want of some sufficient Military power on the spot to ensure due obedience to the lawful authorities, has been deeply felt, and now that we have again seen as we have sometimes seen before, although never, perhaps, so conspicously, the arm of the civil power paralysed by the absence of any material basis to rest upon, we earnestly trust that some thing may soon be done to supply the defect in the present constitution of things.

Your Excellency having been on the spot yourself, it is but very briefly that we require to refer to the circumstances preceding and attending these outrages. For a crime, more revolting, perhaps, in all its details, than was ever committed in this country, and after conviction on the clearest evidence which was afterwards confirmed in some material respects by a voluntary confession in writing, the prisoner G. O. Corbett was sentenced at the last General Court to six months imprisonment; and if any fault at all could have been found with that sentence, we believe that exception could only have been taken, with any show of reason, to its leniency. But notwithstanding of its mildness, a petition was lately presented to you for the remission of the unfulfilled portion of the sentence; with the prayer of that petition, you, in our opinion, most properly, declined to comply, and it would appear that, soon afterwards Corbett's partisans began to concert plans for his rescue. On Monday the 20th inst. from thirteen to twenty of them, (men for the most part worthless characters and of no means) surprising the gaoler, and forcing open one of the prison doors, contrived to liberate Corbett from Goal. Warrants were immediately prepared against thirteen of these men, and under one of them James Stewart, one of the ringleaders, was apprehended on the 21st and committed for examination. The same day, application was made to you for procuring Stewart's release, with some intimation, as we have heard, that if he were not liberated, a rescue might be attempted; and next forenoon, a party consisting of from forty to fifty men, mostly armed, and including the whole of the first band, came down to you, demanding his liberation, with threats of violence to the prison, if their request were not granted. Of course it was refused; and seeing that by this time a considerable number of loyal inhabitants had assembled near the prison, with a view of supporting the

authorities, and repelling the assailants, if necessary by arms, it was for some short time a serious question, whether some of the most resolute and reliable of them ought not to be placed over the prison to defend it to the last extremity, and for this duty, to the credit of the men, be it said, not a few of them were eager to be appointed. On the other hand, some of the assailants were equally resolute and believing, as we do, that they were prepared, at the risk of their lives, to advance to the rescue, the momentous question you had finally to decide, at last came to this; shall blood be shed? Shall authority be deliberately given for the commencement of an armed struggle where both parties were totally undisciplined, and where, after the first shot was fired, they would be equally beyond all command.

It may be difficult to imagine the full extent of the disaster to which, *in the absence of any military force to control the strife,* the beginning of such a conflict might have ultimately led, particularly when we keep in view the strong probability of the collision being embittered, beyond all calculation, by the antipathies naturally springing from differences of race, of language and religion, as well as by other causes; but evidently, even the immediate consequences, to say nothing of the results more remotely involved, would have been very serious; and we cannot therefore but think that, under all the circumstances, you decided for the best, when you determined that forcible resistance should not be used and that if these lawless men should actually rescue Stewart, they must be left to do it at the peril of realizing all the consequences of the deed, whenever the authorities should have strength enough to enforce the law against them. They did break open the door, and set Stewart at liberty, and before two of our number the Sheriff has sworn an information against the offenders, but in a matter of such grave importance, the Magistrates applied to, thought it prudent to refer the decision of the question, as to the issuing of any warrants, to a meeting of the whole body of the Magistrates.

This question we have just had under our most anxious consideration; and with a degree of reluctance amounting to pain, we have come to the conclusion that it is advisable to suspend at least for a time, any further efforts for the apprehension of these men.

But, while this is permitted, can we, at the same time, hope to carry on the general administration of justice in the Settle-

ment? On the one hand, we see in these two outrages, the authorities practically set at defiance; but on the other, we have witnessed among the people such manifestations of attachment to order that we are led to believe in the existence of a very general and earnest determination to uphold the authority of the law, and under these circumstances we are brought to the conclusion that, notwithstanding of these outrages, and of the impunity with which, for the present, the offenders have been allowed to escape, we can still go on, as formerly, with the general administration of Justice in our Courts.

But, from what has taken place, as well as from other circumstances, it is evident that the interests of order and authority stand on a precarious footing and that, at any time, they may be compromised, when a case arises to engage any great amount of popular feeling.

We would therefore desire respectfully but most earnestly to press upon your Excellency the urgent necessity for the speedy adoption of some means for strengthening the hands of public justice, and for rendering impossible the recurrence of such a practical defiance of its claims. The presence of a Military Force under the Queen's authority, *and that alone,* we believe, would have the desired effect; and we therefore earnestly trust that the earliest opportunity will be taken for fully representing the matter to the home authorities. It has become too evident that Military protection is as much required to keep down internal tumult, as to guard against Indian disturbances.

We have the honor to be
Your faithful and obedient servants,

(Signed) Robert McBeath, J.P.
(Signed) François Bruneau, J.P.
(Signed) Thomas Sinclair, J.P.
(Signed) William Cowan, J.P.

After a general expression of opinion on the part of the Council, it was on the proposal of Mr. Black, seconded by Mr. Inkster, unanimously resolved:—

1st. That the Council entirely approve of the course pursued by the Governor in regard to the outrages in question and believe that it was required both by considerations of prudence and by motives of humanity.

2nd. That the acknowledgements of the Council to the people who came forward to support the Executive be expressed in public notices to the following effect—

NOTICE.

At a Meeting of the Governor and Council of Assiniboia on the 20th instant, the attention of the Council was directed to the recent outrages that had been committed in the unlawful rescue from prison of G. O. Corbett a Prisoner undergoing his Sentence, and of James Stewart a person in custody on a charge of felony, and to the creditable zeal that had been shown by so many of the inhabitants for the protection of lawful authority.

The Council, while viewing with feelings of deep regret and abhorrence the lawless conduct of the men engaged in these rescues, for which all concerned in them directly or indirectly must still be held responsible, were yet highly gratified at the manner in which so many of the well disposed inhabitants had proffered their services for the forcible prevention of these disgraceful proceedings, and Unanimously resolved that notices should be publicly posted expressing the sense entertained by the Council of the laudable spirit manifested by those inhabitants in behalf of the interests of public order—interests, which under the regular administration of Justice, as heretofore, by the Magistrates and the Courts, the Council doubt not will be duly preserved.

The Council further desire to make it publicly known that, while they are satisfied there were, among these loyal inhabitants, men who would have willingly defended the prison at the sacrifice of their lives, the Executive were restrained from using the force at their disposal by motives of humanity; by the desire to avoid bloodshed; by a wish to prevent deadly exasperation of feeling among the Settlers, and above all, by a consideration of the dangerous consequences to the whole Community that would have arisen from the Indian Tribes witnessing the spectacle of open warfare between different sections of the people.

BY ORDER.

Council Chamber, 28th April, 1863.

3rd. That the Council concur with the Magistrates in the view they have taken of their duty in the matter under consideration, and approve of the course recommended by them to be followed;

4th. That for several years past the Council have viewed with feelings of painful concern the absence of all Military

power in the Settlement and that in the opinion of this Council a Military Force is indispensable both as a *means* of ensuring due obedience to the lawful authorities and of guarding against Indian Molestation; and

5th. That the Council do now unite in respectfully requesting the Governor-in-Chief to transmit to the Honourable Company in London a copy of these Minutes with an earnest appeal for the immediate establishment of a sufficient Garrison in the Settlement.

On the Motion of the Bishop of Rupert's Land, seconded by Mr. Black, it was unanimously

Resolved That from the First of June next the Salary of the Postmaster, Mr. Bannatyne be raised to Twenty Pounds Sterling, and that he be instructed to establish a weekly mail to Pembina.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on the 18th of July, 1863, at which were present the following Councillors, viz.:—

William Mactavish, Esquire, Gov. of Assiniboia, President.

The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

John Black, Esqre, Recorder, Councillor of Assiniboia.
John Inkster, Esqre., " "
Fras. Bruneau, Esqre., " "
Robt. McBeath, Esqre., " "

It was moved by the Bishop of Rupert's Land, seconded by Mr. Inkster and unanimously carried,

That the day for commencing hay cutting this season shall be Monday the 20th July current, and that, accordingly all exclusive privileges within the four mile line shall this year cease after the 3rd August.

Governor Mactavish having informed the Council that according to the present state of the public funds, there was a Dr. balance against the Colony of upwards of £200.

The Council authorized Gov. Mactavish to draw out of the hands of the Hudson's Bay Company in London the Creditor Balance standing in the name of the Govr. & Council.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 17th day of August 1863, at which were present the following Councillors, viz.:—

William Mactavish Esquire, Gov. of Assiniboia President.

The Rt. Revd. Lord Bishop of Rupert's Land Councillor of Assiniboia.

Rt. Revd. Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Black Esquire Recorder, Councillor of Assiniboia.

John E. Harriott	"	"
Salomon Amlin	"	"
John Inkster	"	"
Francois Bruneau	"	"
Maximilian Genton	"	"
Henry Fisher,	"	"
Robert McBeath	"	"

Governor Mactavish stated that he had assembled the Council for the purpose of informing them that he found it necessary to visit St. Paul on business of importance, and that he intended to appoint Mr. Recorder Black to act for him as Governor of Assiniboia during the few weeks of his absence—In this arrangement the Council unanimously acquiesced.

On the proposal of Governor Mactavish the Council appointed Dr. Cowan an Auditor of the Public Accounts in conjunction with Mr. Inkster and Mr. Sinclair, any two of them to be a quorum for all the purposes of their office.

It was proposed by Mr. Bruneau, seconded by Mr. Fisher and carried unanimously,

That the sum of £30 be granted the Upper Section for the repairs of Roads and Bridges.

It was proposed by Mr. Recorder Black, seconded by Mr. McBeath and unanimously carried.

That the sum of £30 be granted to the Lower Section for the repairs of Roads and Bridges.

Mr. Inkster proposed and Mr. Harriott seconded and unanimously carried,

That the sum of £35 be granted to the Middle Section for the repairs of Roads & Bridges.

On the Motion of Bishop Taché, it was unanimously

Resolved—That the Council, having the certitude that the absence of Governor Mactavish will be only temporary is satisfied for the present with offering him their acknowledge-

ment for the manner he has always administered the affairs of the Colony and with wishing him a happy voyage and speedy return.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia on the Nineteenth day of December One Thousand Eight Hundred and Sixty Three.

PRESENT

A. G. Dallas Esquire Governor in Chief, President.
Wm. Mactavish Esquire Governor of Assiniboia.
The Rt. Revd. Lord Bishop of Rupert's Land, Councillor of Assiniboia.
The Rt. Revd. Lord Bishop of St. Boniface, Councillor of Assiniboia.
John Black, Esquire, Recorder, Councillor Assiniboia.
William Cowan, " "
Francois Bruneau " "
John Inkster, " "
Maximilian Genton, " "
Henry Fisher, " "

Governor Dallas—referring to the special object for which the Council had been called,—the consideration namely, of the question as to what was to be done regarding the Sioux Indians who had lately come into the Settlement, informed the Council of the steps which he had taken for the purpose of getting them removed by peaceable means; but he regretted to say that they had been unsuccessful. The continuance of the Sioux in the Settlement was a cause of very general anxiety and alarm among all classes; and as it might be necessary to adopt more expensive measures than he should feel inclined to take without the concurrence of the Council, the Governor stated that he was desirous of hearing their views and taking their advice on the subject.

The Governor further mentioned that he had, several times, visited the Sioux at their principal camp near Sturgeon Creek. He believed that, including women and children, who formed the great majority of the party, there were in all about five hundred persons; and more had since arrived. He had found them, for the most part, in a state of the utmost destitution,

in respect both of food and clothing—and, seeing that, unless assisted with a limited supply of provisions, if not also of clothing, it would be impossible for them to leave the Settlement without the prospect of very soon perishing—he had, after much serious consideration of the matter with Mr. Governor Mactavish, made the Sioux an offer of a sufficient quantity of provisions to carry them to such a distance from the Settlement as would relieve it from all danger and apprehension and with the ammunition which had also been offered put the Indians in the way of providing for themselves by the usual means of hunting, &c., to which they were accustomed. He had also agreed to furnish the necessary means of conveying the provisions to the intended locality.

But, although offers had at first been accepted, yet at length the Sioux had positively refused to go away, stating as their reason, that, while some of the able-bodied men of the party were fit to travel, the great majority of them being women and children, and many of the former being old and infirm, they were unable to undertake a journey of even much less than ten days, and that the Indians therefore felt, that, on leaving the Settlement, their families must inevitably perish by the way. Under these circumstances the Governor added, the only chance, as it appeared to him, that now remained of getting the Indians removed, would be to offer them a larger supply of provisions, and the necessary means of transport, not only for the provisions, but also for such of the families as might not be able to walk,—besides any articles of clothing that could be collected for them in the Settlement.

The Council—after long and anxious deliberation, expressed it as their opinion that Governor Dallas, in taking the steps he had done in the matter, had followed the most judicious course that could have been adopted under the critical circumstances of the case; and feeling that they could not do better than leave the Governor to make such further overtures to the Sioux as he might think likely to attain the highly important and desirable end in view, an end so deeply affecting the peace and welfare of the whole Settlement. The Council on the Motion of the Bishop of Rupert's Land seconded by the Bishop of St. Boniface, unanimously

Resolved—That Governor Dallas be respectfully requested to renew his negotiations with the Sioux and to offer them such additional supplies of provisions, with such increased

means of transport, as, in his discretion, might be thought proper to get the Indians removed from the Settlement; and further that the Council tender Governor Dallas their cordial thanks for the efforts he had already made.

Governor Dallas next called the attention of the Council to the necessity that had arisen for getting the main public roads of the Settlement marked out in such a manner as to prevent dispute and litigation regarding the correct lines of their thoroughfares, and after some discussion, the Council, on the Motion of Recorder Black, Seconded by Mr. Genton, unanimously

Resolved—That the following Councillors be appointed a Committee to mark out the roads and report to the Council thereon. Namely—Dr. Cowan, Mr. Bruneau, Mr. Inkster, Mr. Sinclair, and Mr. McBeath, three to be a quorum and Dr. Cowan, Convener.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia, held on the Seventh day of January, One Thousand Eight Hundred and Sixty-four.

PRESENT

A. G. Dallas, Esquire, Governor-in-Chief, President.
William Mactavish, Esqre., Governor of Assiniboia.
Rt. Revd. Lord Bishop of Rupert's Land, Councillor of Assiniboia.
Rt. Revd. Lord Bishop of St. Boniface, Councillor of Assiniboia.
John Black, Esquire, Recorder, Councillor of Assiniboia.
François Bruneau, Esqre., " "
John Inkster, Esqre., " "
Salomon Amlin, Esqre., " "
Thomas Sinclair, Esqre., " "

Governor Dallas informed the Council that the Sioux Indians still, unfortunately, formed the principal subject which had to be brought under consideration.—

In following up the Resolutions adopted at the Council of the 19th ulto., Governor Dallas mentioned, that, with a view to the peacable removal of the Sioux, a considerable quantity

of provisions had been supplied to them, and the requisite sleds furnished; and that all the Indians and their families, had taken their departure from Sturgeon Creek,—to proceed, as had been earnestly hoped, at least as far as the Turtle Mountains, but that, to his disappointment, they had gone no further than White Horse Plain, where they were now camped on the East side of the Assiniboine; with the avowed intention, as he had been informed, of remaining there; and the Governor was now disposed strongly to doubt, whether, they had really ever intended to leave the Settlement this Winter, notwithstanding their professions at one time to the contrary.

Finding that the Indians had thus stopped short of the destination to which it was understood they were to go on, the men in charge of the provisions and other supplies, had prudently deposited the whole in the Company's Stores at White Horse Plains, and had themselves returned to the settlement. But by the wages of these men, and the provisions actually delivered to the Sioux at different times, an expense had already been incurred of rather more than £108. It was satisfactory to know that no Ammunition whatever had, from first to last, been supplied to these Indians.

Under all these circumstances, the Governor had thought it right to assemble the Council to consider what ought now to be done. The danger to the Settlement from the presence of these Indians, was still as great as ever. The scanty stores of provisions, out of which the White Horse Plain Settlers, partly from fear, as might well be supposed, and partly from charitable motives, were now, in some measure, relieving the wants of the Sioux, could not possibly long hold out against such demands, and thus both the Settlers and the Indians must soon be reduced to straits from which it was only too likely the latter would have little scruple in relieving themselves by killing the Settlers' Cattle and committing other depredations naturally leading to consequences of a serious character. Governor Dallas added that it was much to be apprehended, that, in the event of the Sioux remaining in the Settlement the whole Winter they might not only endeavour to make this Territory their permanent abode, but be the means of inducing additional and far more numerous bands of the tribe to do the same. Contingencies, which, if either of them were to be realized would be certain to involve the whole Settlement in the very greatest peril.

Governor Dallas further stated that, some short time ago, he had had a visit from Lieutenant Mix of the United States

Garrison at Pembina on the subject of inducing the Sioux to surrender themselves to the Commanding Officer there, and learned that while the American Authorities, rightly enough, appeared determined to execute justice upon such of the Sioux as had actually been concerned in the Minnesota Massacre, the American Officers, so far from contemplating any act of hostility towards the innocent, were quite prepared to furnish them with all needful supplies of food and clothing for the Winter, in the event of their peacably giving themselves up; and the Governor had since been informed that a party of more than forty of the Sioux had lately gone to Pembina to take the benefit of that protection.

At the time of that visit, the Governor, from a desire to prevent, by every means, the Settlement getting embroiled with the Sioux, and from a hope that they might be got off without American interference, was disposed to regard anything of the kind with a certain degree of aversion; but the aspect of the whole question had now been so materially changed, that, in concluding these explanations, he could not refrain from suggesting to the Council whether it might not now be advisable to permit the American Officers to enter into negotiations with the Sioux, with the view of inducing them to surrender themselves to their authority.

After full deliberation by the Council it was unanimously Resolved, that the Governor be respectfully requested to Grant the permission referred to, but on the distinct understanding that no aggressive measures are to be taken by the American Authorities against the Sioux in this territory, and that, in the event of the Americans availing themselves of the proposed permission, they must be prepared in opening negotiations with the Sioux, to protect themselves by a guard of sufficient strength to preclude the danger of attack from the Indians and to ensure the preservation of the peace.

Mr. Black then directed the attention of the Council to the desirableness of removing all doubts as to the true construction of the 53rd Article of the Code of 11th April, 1862; and after due consideration of the subject, the Council, on Mr. Black's proposal seconded by Mr. Governor Mactavish—unanimously Resolved—that the proceedings of the General Court shall be regulated by the Laws of England, not only of the date of Her present Majesty's accession, so far as they may apply to the condition of the Colony, but also by all such laws of England, of subsequent date as may be applicable to

the same: in other words it was Resolved that the proceedings of the General Court shall be regulated by the existing Laws of England for the time being, in as far as the same are known to the Court and are applicable to the condition of the Colony.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia, held on the Twelfth Day of March, One Thousand Eight Hundred and Sixty-four, at which were Present the following Members of Council, viz.:—

A. G. Dallas, Esqre., Governor in Chief, President
William Mactavish, Governor of Assiniboia
Right Revd. Lord Bishop of Rupert's Land, Councillor of Assiniboia.
Right Rev. Lord Bishop of St. Boniface, Councillor of Assiniboia
John Black, Esq., Recorder, Councillor of Assiniboia.
William Cowan, Esqre., " "
Pascal Breland, Esqre., " "
François Bruneau, Esqre., " "
John Inkster, Esqre., " "
Robert McBeath, Esqre., " "
Maximilian Genton, Esqre., " "
Salomon Amlin, Esqre., " "
Thomas Sinclair, Esqre., " "

Governor Dallas informed the Council that his chief object in calling them together was to lay before them copy of a correspondence[1] with Major Hatch, by which they would observe that he had granted permission to the American troops to follow the Sioux across the boundary line. Knowing that in doing so he had acted in accordance with the repeatedly expressed wishes of the people, who had even proposed to invite the presence of the American Troops, he had not considered it necessary to consult the Council before sending his reply to Major Hatch, but as the permission granted involved some responsibility he wished the Council to share that responsibility with him by confirming the act.

The Council had no hesitation in coming to the conclusion that the Governor in his whole dealing with the Sioux, and correspondence with the Americans, had only done what was

[1] See document No. 96 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

necessary for the general welfare and safety of the Settlement, and had therefore no hesitation in confirming and approving the permission granted to Major Hatch, which they knew to be in accordance with the wishes of the people.

The Governor further stated that he had received a message from the main body of the Sioux on the Missouri, asking his advice as to making peace with the Americans, and hinting at a desire to visit the Settlement in Spring. He had returned an answer advising the Sioux to make peace with the Americans, or to be prepared for a prosecution of the war with renewed vigor next Summer.

The following is the correspondence with Major Hatch

Headquarters Independent
Battalion No. V Pembina, D.T.,
March 4th., 1864.

His Excellency A. G. Dallas,
Governor-in-Chief of Rupert's Land,
Fort Garry.

Sir, I have the honor to state that a party of murderers, belonging to the Sioux Tribe of Indians, to avoid the just punishment for their crimes, have fled from before the military forces of the United States Government, and are now supposed to be temporarily located in the vicinity of "Poplar Point," on or near the Assiniboine River.

The near approach of Spring and the danger of their scattering and re-enacting in part the barbarous scenes of 1862 and 63, urges me to make every effort in my power to secure them. I cannot, however, take any steps which may by any chance place soldiers under my command in such a position that they may appear as trespassers upon British Soil. Therefore, the locality of the Forty-ninth parallel never having been officially determined, I do not feel justified in moving in pursuit of these murderers towards the point where they are now encamped without the consent of your Excellency.

The great desire I have to prevent the murder of innocent women and children upon our frontier induces me to trouble your Excellency with the request that permission may be

granted me to pursue and capture these savages, with an armed force, wherever they may be found.

I have the honor &c.,

(Signed) E. A. C. HATCH,
Major Commanding.

Copy of letter from Governor Dallas to Major Hatch,

Major Hatch,
Commanding U. S. Troops at
Pembina.

Sir, I have the honor to acknowledge receipt of your letter of the 4th inst., delivered to me by Lieutenant Nash, stating that a party of murderers belonging to the Sioux Tribe of Indians fleeing before the Military Forces of the United States, are now supposed to be temporarily located in the vicinity of Poplar Point on or near the Assiniboine River, and requesting permission to pursue and capture these savages with an armed force wherever they may be found.

In reply I beg to state that the Sioux Indians have been refugees in this territory much against the wishes of the inhabitants, and in the face of every discouragement on our part to their appearance at all on this side of the boundary line.

It being I believe of the utmost importance for the safety and well-being of the civilized inhabitants of this part of the world generally, that a powerful tribe of Indians, inhabiting the borders of an undefined and unprotected frontier of large extent, should be disabused of the belief that they can with impunity commit their depredations and murders in one territory and take refuge in the other in safety for the time being ready to renew their operations when it may suit their inclinations to do so, I have no hesitation in complying with your request, stipulating only that in the event of active operations taking place within the Settlement you will communicate with the Authorities, and take such measures as will prevent bloodshed or violence in the houses or enclosures of the Settlers, should any of the Sioux Indians take refuge there.

I have the honor &c.,

(Signed) A. G. DALLAS,
Governor in Chief of Rupert's Land.

There was then laid before the Council an application from Mr. Albert Sargent for payment of certain losses alleged to have been sustained by him at the ferry, but the Council feeling that it was not upon them, but upon the Lessee of the Ferry that the responsibility if any, of the losses in question rested could only refer Mr Sargent to that quarter, without, however, thereby intending to express any opinion favorable or unfavorable to the claim he had brought forward.

The management of the public ferry having then become the subject of consideration, the Council on the motion of Mr. Black, seconded by Mr. Sinclair, resolved, that the Road Committee appointed on the 19th Dec. last, be instructed to inquire into the nature and working of the present arrangements regarding the ferry, and to report to the next Council as to whether any, and what changes could be introduced with public advantage.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the Fourth day of May One Thousand Eight Hundred and Sixty Four, at which were present the following Members of Council, viz—

A. G. Dallas Esquire Governor in Chief—President

W. Mactavish Esquire Governor of Assiniboia.

Rt. Revd. Lord Bishop of Rupert's Land, Councillor of Assiniboia.

Rt. Revd. Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Esqre., Recorder,	Councillor	of Assiniboia.
W. Cowan, Esq. M.D.	Do	Do
J. E. Harriott,	Do	Do
Francois Bruneau	Do	Do
John Inkster	Do	Do
Robt. McBeath	Do	Do
Henry Fisher	Do	Do
Salomon Amlin	Do	Do
Maximilian Genton	Do	Do

The President laid before the Council an application from the Settlers at Portage La Prairie requesting that they should be "annexed" to Red River Settlement, and included, as he understood them to mean, within the Jurisdiction of the

Municipal District. In connection with the important subject which this Petition brought up for consideration, the President mentioned that, in other parts of the Territory there was springing up similar Settlements which in his opinion, clearly pointed to the necessity for some comprehensive measure for the government of the country generally. As another instance, besides the Portage, a population of about twelve hundred were now settled near Edmonton in the Saskatchewan District, without any regularly constituted Government and the President proceeded to observe that as he was now going to England, he would be happy to hear and carry with him some expression of opinion from the Council of Assiniboia as to such applications as that from the Portage. Mr. Black stated that he had received a communication of a similar purport from a respectable resident there.

After some discussion, Mr Governor Mactavish seconded by the Bishop of St Boniface, proposed the following resolution, which was passed unanimously—

That—The Council, while admitting the great desirableness of bringing within the range of regular government the settlements which, in the very nature of things, were sure to spring up throughout the country,—felt, at the same time constrained to express their firm belief that, in the present peculiar circumstances of Red River Settlement, it would be highly injudicious to recommend any extension of the present Municipal district, seeing that for the effective administration of the government of the same, it had long been evident to the Council that there was an absolute and imperative necessity for an adequate amount of *material* strength, in the form of Military protection, being afforded to existing authorities; and that, under these impressions, the Council most earnestly and respectfully request Governor Dallas to take the opportunity of his present visit to England for representing the whole question in the proper quarter there and for urging the prompt adoption of measures for securing the object above indicated.

With reference to the expenses to which the Settlement had been subjected in furnishing provisions to the Sioux Indians last winter, the President stated that it had occurred to him that, under all circumstances of the case, the Colony had at least an equitable claim upon either the English or the American Government for the reimbursement of their expenses; and the Council, after due deliberation concurring in their

view of the matter, unanimously adopted the following Resolution, which was proposed by Mr Black and seconded by the Bishop of Rupert's Land:

Whereas a small supply of ammunition would have enabled the Sioux to maintain themselves by hunting, and would have induced them to leave the Settlement altogether, but the Council were precluded by the instructions of the Home Government to the Governor from following that course; And Whereas the Home Government in withdrawing the troops from the Settlement and declining to grant us any protection, while at the same time it indicates the course we are to pursue with the Indians, in refusing them ammunition, had in a manner rendered itself liable for the consequences; and whereas the Council might now warrantably intimate to the American Authorities that they must either reimburse us for the food supplied to the Sioux, whom their acts had driven upon us, or be prepared for our supplying them with Ammunition, as our best means of preventing their apprehended depredations in the Settlement, but whereas this course is not open to the Council, on account of the instructions from the Home Government already referred to, therefore, It is the opinion of the Council that the Settlement has just reason for looking to the Home Government either for the reimbursement of the expences in question,—expences which independently of the supplies, virtually extorted from the Settlers themselves by the Sioux, amount to no inconsiderable portion of the revenue, —or for the Government pressing their claim for the same upon the American Authorities; and the Council respectfully request Governor Dallas to make the necessary representation on the subject to Her Majesty's Government.

Doctor Cowan as convener of the Road Committee then begged leave to lay before the Council the report of their proceedings in reference to the public roads and the ferry. The Report was received and ordered to lie on the table for the consideration of a subsequent Meeting of the Council.

A Petition from the inhabitants of the Parish of St Boniface was presented, complaining of the existence of the two public-houses on the point of the Assiniboine River, as being not only quite unnecessary for the Public convenience but, as being in various respects highly injurious to the locality in which the Petitioners reside. They represent that, in their opinion two licenses are amply sufficient for the whole of that neighbourhood one at Fort Garry and the other at Mr. Mager's,

and pray the Council to grant no more in future, they further state that owing to the public houses being open at the time, the days of the departure and the arrival of the different Brigades of Voyageurs, whether in the boats or in the carts, are generally occasions of considerable disorder, whereby the neighbours are subjected to much discord annoyance, and sometimes the owners of goods to considerable damage and loss; and they pray the Council to adopt some measure for preventing the sale of Spirits on those days. The Petition, after being read and considered, was referred to the licencing Magistrates with instructions to satisfy themselves regarding the facts of the case; to exercise the discretionary powers they held, either withholding or continuing the licenses in question as they might see fit and to endeavor by any advisable means, to prevent the intemperance and disturbance which are said to prevail on the occasions specified.

There was also presented a petition from the proprietors of lands on Point Douglas complaining of the encroachments which for the last two years, persons living on the Assiniboine River had made on the special reserve for Point Douglas, whereby the Petitioners had come short of the hay absolutely required for their cattle and horses. The Petitioners say they claim the inclusive right to that reserve for the purposes of cattle grazing and hay making; And they pray the Council to take such steps as shall prevent such encroachments in future on their alleged right. The Petition was referred to Mr. Governor Mactavish as the proper authority for dealing with the matter.

With reference to a letter read to the Council from Messrs. Coldwell and Schultz, offering to execute any printing the Council might require, it was directed that these parties be informed that they would be employed when any service of that kind was wanted.

The President called the attention of the Council to the fact that there was now a number of Distilleries in the Settlement, paying neither a license fee as the public houses did, nor any duty on the Spirits they manufactured. At a time when a market was wanted for Barley, there had been an inclination to encourage distillation, but now that they required the Barley, rather than the Market, it could not be supposed that Distilleries were any longer looked upon in that light. After some discussion Mr. McBeath gave notice that at next Council he would move the imposition of a tax of £15 at least on every Distillery. Mr. Recorder Black in introducing the Motion, he

now wished to submit to the Council, said that the President having to-day intimated his intention of proceeding to England, he felt that it was a duty the Council owed, both to the President and to themselves, to notice the circumstance. On the occasion of Governor Mactavish's departure from the Settlement last year they had recorded their appreciation of his public services, and he thought that the example ought to be followed on the present occasion. Mr. Black said that, difficult and delicate a thing as it was, to speak of another, even in his public capacity, in his own presence, he must crave the President's forbearance while he expressed his belief that the motion he had to propose would commend itself to the unanimous support of the Council. During the time they had enjoyed the privilege of having Governor Dallas to preside over their deliberations the Council had been called upon to deal with a variety of questions of unusual difficulty and importance. Questions which, without here going into any minute specification of them, deeply affected the peace, and the prosperity, he might even say, the very existence of the Settlement, and if these questions had been at all satisfactorily disposed of, he felt the Council would bear him out in the opinion, that it was owing, in no small measure to the calm judgement, the just and upright mind, and the candid spirit, which the President had, at all times brought to bear upon the affairs of the Settlement and by which, he believed the whole of the Governor's public conduct amongst them had been regulated, and might now be fairly characterized. He said not these things from any wish merely to please the President. He said them because he believed them himself; he said them because he felt that these sentiments were shared not only by the Council, but also by the whole of the respectable and intelligent portion of the community; and further, he gave them expression because he believed that when qualities such as those he had referred to were discovered in any one holding a high and influential office they called on various good grounds, for a distinct and grateful acknowledgement; under these circumstances it was but natural they should view with regret the prospect of the President's departure; but on the other hand, that feeling must be greatly modified by the thought that Governor Dallas was going to headquarters of the honorable body under whose authority the Council exercised their functions, and that he would there have better opportunities than perhaps, he could have here of promoting the interests of the Settlement. The experience he had gained by his two years' residence in the

Settlement would be valuable in any deliberations to which he might be called, upon the affairs of the Country; and in any endeavours he might be disposed to make for our welfare as a community, it might strengthen his hands and encourage his heart to be assured that the Council of Assiniboia would look to him with the confident hope that he would spare no efforts for promoting the general welfare of the Settlement. With these remarks Mr. Black proposed the following motion which was seconded by the Bishop of St. Boniface and unanimously carried:

That the Council having been informed by the President of his intention to visit England feel that they cannot allow him to take his departure without tendering him an expression of their appreciation of his services to the Council during the time he has presided over it; of the high estimate they entertain of his public and personal worth; and of their hope that, at no distant date, they may have the pleasure of welcoming the return of himself and family to Rupert's Land.

Governor Dallas in returning thanks for the kind feelings expressed towards him by Mr. Black and the Council begged to thank them in return for the cordial support which he had always met from them and for the consideration with which any shortcomings had been treated. In first assuming the position which he held, he was necessarily unacquainted with many of its duties; but he had endeavoured to deal with every matter in a plain business manner, and to perform his duties conscientiously to the best of his ability. In taking leave of the Council for a time, at least, he was quite in the dark as to the future. Great changes had taken place in the organization of the Hudson's Bay Company as they were all aware, and negotiations were in progress with Her Majesty's Government, for a transference of its Chartered Territory to the Crown—what the result might be no one here could foretell, but he would avail himself of every opportunity for bringing his experience of this country to bear and to promote the well being of its inhabitants in as far as it might be in his power to do so.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council held on the 9th day of May 1864—at which were present the following viz.:—

A. G. Dallas, Esq., Governor in Chief, President.

Wm. Mactavish, Esq., Governor of Assiniboia.
John Black, Esq., Recorder, Councillor of Assiniboia.
The Rt. Rev. the Bishop of Rupert's Land, Councillor of Assiniboia.
Rt. Rev. Bishop of St. Boniface, Councillor of Assiniboia.

Doctor Cowan,	Do	Do
Henry Fisher,	Do	Do
Fs. Bruneau,	Do	Do
Maxim Genton,	Do	Do
John Inkster,	Do	Do
Thos. Sinclair,	Do	Do
Salomon Amlin,	Do	Do
Robt. McBeath,	Do	Do

A Petition was presented from the Parish of St. Andrews, complaining of Harcus's Public House, as a source of great evil to the neighbourhood, and praying for the discontinuance of the license, under which it had been established. The matter was referred to the licensing Magistrates, to be inquired into by them, and dealt with as they might see fit in the exercise of their discretionary powers.

Dr Cowan as Convener of the Road Committee, read their report to the Council; and it being afterwards intimated that one of the two parties chiefly affected by the report (Mr McKenny and Mr Drever) if not both had some additional evidence of an important nature which they wished to lay before the Committee, the Council again referred the whole matter to the Committee for further consideration and report.

Pursuant to notice, Mr McBeath proposed a license fee of £5. on Distilleries, explaining that he had intended the £15 first mentioned to cover a retail licence, but that he now considered it better to have the Distillery tax separate and distinct, leaving it to the Distiller himself to take out a retail licence or not as he might be inclined.

Mr McBeath's motion not being seconded the Bishop of Rupert's Land, seconded by Mr Black, proposed a tax of £10 on Distilleries, to take effect on the first Monday in June next, but the Council not being unanimous on the question it was ordered to stand over till next meeting.

Mr Bruneau gave notice that he would move an amendment by proposing £15. as the fee,—to include a retail licence.

Dr Cowan seconded by Mr Inkster proposed the reappointment of the following Officers for the year commencing 13 April 1864 at the Salaries stated opposite their names

ROAD SURVEYORS.

White Horse Plain District	Mr. P. Breland	£12. 0. 0.
Lower Section	Mr. Sinclair	25. 0. 0.
Middle Ditto	Mr. Fraser	20. 0. 0.
Upper Ditto	Mr. Bruneau	25. 0. 0.

But the Council not being unanimous, this motion also stood over.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on the 15th day of July 1864 at which were present the following Members of Council, viz.:

William Mactavish Esq. Govr. of Assiniboia President
The Rt. Rev. Bishop Taché, Councillor of Assiniboia.

Dr Cowan	Do	Do
Henry Fisher	Do	Do
Francois Bruneau	Do	Do
John Inkster	Do	Do
Maximilian Genton	Do	Do

The Minutes of the last Council having been read and approved—Mr W. R. Smith presented and read a Statement of the Public Accounts for the past year ending the 31st May 1864 shewing a Cr. balance of £121. 1. 10½. these accompts having been already audited by Messrs Cowan, Inkster and Sinclair, the Council approved and passed them.

It was moved by Mr. Bruneau and seconded by Dr. Cowan and unanimously carried—

That a tax of £15 sterlg. be levied on Distilleries, which tax shall include a Retail License; to take effect the first Monday of June 1865, on all existing Distilleries, but this tax to be paid by all Distilleries commencing after the first Monday of November 1864.

Dr. Cowan Convener of the Roads and Ferry Committee, presented and read a Report of the proceedings of the Committee. After some little discussion

Bishop Taché moved & Mr. Fisher seconded and it was unanimously carried

That the report of the Committee of Roads and Ferry be adopted

Dr. Cowan then brought on his motion which was ordered "to lie over" at the last Council, viz.:

"That the reappointment of the following officers for the year commencing 13th April 1864 at the salaries stated opposite their names."

ROAD SUPERINTENDENTS.

White Horse Plain Section		Mr.	P. Breland	£12. 0. 0.
Lower	Do.	"	T. Sinclair	25. 0. 0.
Middle	Do.	"	Jno. Fraser	20. 0. 0.
Upper	Do.	"	Jno. Fraser	20. 0. 0.

Carried unanimously

It was then moved by Mr. Bruneau and seconded by Mr. Inkster and unanimously carried—

That the Hay Cutting this season shall commence on the outside of 12 miles from the Banks on both sides of the Red, Assiniboine and La Seine Rivers, on the 20th inst; and inside of the 12 miles, from Mr. Lane's Fort downwards as far as St. Peters Church Indian Settlement— and from Rat River down to the same place, on the 27th inst:—

It was moved by Mr. Bruneau seconded by Mr. John Inkster—

That the following sums be granted for the Public Works—

Upper Section	£50. 0. 0.
Middle Do	40. 0. 0.
White Horse Plain Sec.	15. 0. 0.

Carried unanimously

The Council then adjourned.

Minutes of a Meeting of the Governor and Council of Assiniboia held on the Twenty Ninth day of September One Thousand Eight Hundred and Sixty Four at which the following Councillors were present:

William Mactavish Esq. Gov. of Assiniboia, President.
John Black Esq., Recorder, Councillor of Assiniboia

John Inkster	Do	Do
Henry Fisher	Do	Do
Francois Bruneau	Do	Do
Thomas Sinclair	Do	Do
Robert McBeath	Do	Do
Maximilian Genton	Do	Do

Governor Mactavish called the attention of the Council to the fact that, owing to the partial failure of the Crops, a number of persons were this season importing flour from the the States. According to the law, as it presently stood, that article was liable for duty, but it appeared to be a question worthy of the Council's consideration, whether flour ought not to be duty free, seeing especially, that, in a season like this, the tax must press rather heavily upon the consumers—

The Council unanimously

Resolved—That all flour imported into the Settlement from and after this date, shall be duty free—

On the Motion of Mr. Sinclair seconded by Mr Bruneau

The Council unanimously authorised the appointment of an additional Constable at or near the Image Plain.

On Mr Bruneau's Motion for the appointment of another Petty Magistrate for the White Horse Plain section in place of Mr Breland, the Council unanimously sanctioned the appointment of such a person as the Governor might think proper to sleect for filling the vacancy.

The sum of £15. was mentioned by Mr Sinclair as the amount of an additional Grant now required for his section of the public roads; and the Council authorised the payment of the same.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the third day of November 1864 at which were present the following members of Council, viz.:—

William Mactavish, Esq.,	Governor of Assiniboia,	President.
John Black,	Councillor of Assiniboia.	
François Bruneau,	Do	Do
John Inkster,	Do	Do
Robert McBeath,	Do	Do
Thomas Sinclair,	Do	Do
Maximilian Genton,	Do	Do

Whereas doubts have arisen regarding the true meaning of the phrase " the same season " as it occurs in the thirty-sixth section of the printed Laws of Assiniboia of 11th April 1862, and it is desirable to remove such doubts, therefore on the motion of Mr. Bruneau, seconded by Mr. Sinclair, the Council

Resolved and enacted that henceforward, the foresaid words " The same season " shall be held to mean a period of a twelve-

month, immediately following the date of the debtor's expected departure from the Settlement.

Whereas it is expedient to alter the present rate of charges for writs for the General and the Petty Courts, the Council unanimously repealed the sixty-first section of the printed Laws of Assiniboia of 11th April 1862, and in place thereof, on the motion of Mr. Inkster seconded by Mr. McBeath, unanimously

Resolved and enacted, that for every writ in civil actions and in criminal prosecutions (not public), for the General Court there shall be payable to the Magistrate issuing the same three shillings and sixpence, and for any of the petty Courts two shillings and sixpence, of which charges the sum of two shilligns and six-pence in the former case, and of One and Six-pence in the latter shall be retained by the Magistrate for the writ; and the other shilling in each case shall be paid by the Magistrate to the Constable serving it. For such Shilling the Constable shall be bound to serve any writ within five miles of the residence of the Magistrate from whom he receives it; but, for any distance he may be required to travel beyond that, in serving a writ, he shall, in addition to the shilling, be entitled to mileage, at the rate of two pence a mile or part of a mile. All these fees shall be payable to the Magistrate before issuing the writ; and every Constable receiving a writ for service, shall be bound either himself to serve it with all due diligence, or immediately to put it into the hands of some other Constable, who in like manner, shall be bound to serve it without delay. This Enactment to take effect after the sitting of all the Courts in the present month of November.

And Whereas it is deemed inexpedient for the Council any further to regulate the mere details of procedure in the General Court whether with regard to costs or otherwise, the Council unanimously resolved that in future the General Court shall be authorized to adopt such scales of fees and such rules and forms of procedure, as to the Court itself may appear proper.

Whereas it is necessary for the due protection of public, as well as of private interests that the precise meaning and effect of the resolution of Council of the 15th day of July last, adopting the report of the Road Committtee then submitted, should be duly declared, the Council, in conformity with the recommendations of the Committee, unanimously Resolved and enacted

1st. That the line of road to the Assiniboine Settlements passing between Messrs. Drever and McKenney's buildings and crossing Mr. Drever's lot remain as at the date of the report;

2nd. That this road, while crossing Mr. Drever's lot, be one chain in breadth marked out so as to run clear of all buildings at the date of the report.

3rd. That the main line of road to the Assiniboine River at Fort Garry be marked out so as to run clear of all buildings at the date of the report—and

4th. That the public still retain the right to a two chain road crossing Mr. Drever's Lot leading to the Assiniboine Settlements, this width to be recovered by the public whenever the buildings encroaching thereon at the date of the report require to be removed or at a specified period. With reference to the foregoing fourth head of the report, the Council on the Motion of Mr. M. Genton Seconded by Mr. Sinclair unanimously declared and enacted, that eighteen years from the date of this Council shall be the period at which the permission for keeping up the encroaching buildings referred to, shall cease, unless further extended by competent authority, and that, on the expiration of that period the public shall be entitled to a full two chain road crossing Mr. Drever's Lot leading to the Assiniboine Settlements, and that every obstruction thereof whether in the shape of buildings or otherwise, shall then be liable to be removed, as contrary to law.

Governor Mactavish informed the Council that he intended shortly to proceed to Canada, and that Mr. Black, as acting Governor of Assiniboia, would fill his place.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 12th day of January 1865—at which were present the following Councillors, viz.:—

John Black,	Acting Governor of	Assiniboia, President.
Thomas Sinclair,	Councillor of	Assiniboia.
François Bruneau,	Do	Do
Robert McBeath,	Do	Do
John Inkster,	Do	Do
Henry Fisher,	Do	Do
Maximilian Genton,	Do	Do

After the Minutes of the last meeting had been read, the President stated that one object in assembling the Council was to invite their attention to the important fact that, according to the best information he could gather on the subject, the quantity of grain in the Settlement was so limited, that, unless some extraordinary effort were made to preserve it for the Spring there would in all likelihood, be a great deficiency of seed, and that consequently, however favorable next season might prove, so far as the weather was concerned, there would necessarily be less grain in the Settlement next Winter, than there is this year. The last harvest was so poor, that it must have come far short of meeting the ordinary wants of the community. Many of those who could afford it, have been supplying themselves with flour by importing it from the States; while many more, who have neither crop, nor money to buy flour, must be, if not breadless altogether, at least the next thing to it. Any aggravation of these evils would be severely felt, and it appeared to the President to be a matter well worthy of the Council's consideration, whether any means could be devised for lessening or averting them. Beyond all doubt, the quantity of grain in the Settlement at this moment was comparatively small, and by no means equal to meet the ordinary consumption and leave enough for seed; but if that consumption were to be curtailed—that is, voluntarily curtailed, by the people themselves—and if proper care and economy were to be observed by the whole community, there might still be found grain enough in the Settlement next spring for seed. With these remarks the President submitted the whole question to the earnest consideration of the Council.

After full deliberation, the Council unanimously concurred in the representation that had just been given of the present circumstances and prospects of the Settlement; but at the same time felt that it would, as yet be premature for the Council to attempt to do more than to point out to the community the danger with which they appeared to be threatened from the apprehended scarcity of seed wheat in the Spring, and to urge upon them the extreme desirableness of every one economising to the utmost their present stock of grain the Council being impressed with the belief that in this as in all similar emergencies the truest and strongest ground of reliance was to be found in the earnest individual efforts of the Settlers themselves to overcome the difficulty.

The President then submitted a communication addressed to the Governor and Council by Mr. Sheriff McKenny representing that, he had discharged the duties of Sheriff of Assiniboia for upwards of two years without a salary; that, although in receipt of Thirty Pounds per Annum as Governor of the Gaol, that sum was inadequate remuneration for both offices; that, as the Council were aware, the duties of the Sheriff's Office had largely increased; and that under all these circumstances he respectfully requested that the Council might be pleased to attach such a salary to the office of Sheriff as they might deem adequate remuneration for the service rendered.

In laying this communication before the Council, the President mentioned that he thought it was only due to Mr. McKenny to state that, so far as he had opportunities of observing—and they were necessarily pretty extensive—the present Sheriff had discharged the duties of his office in a very efficient and satisfactory manner, and that he felt the present application was well entitled to their favorable consideration.

The Council, after carefully considering all the circumstances of the case, unanimously

Resolved that instead of Thirty Pounds, the Salary of the Sheriff, as Governor of the Gaol and Sheriff, be raised to Forty Pounds per Annum.

The President then brought under consideration, the present state of the Liquor Laws; and after a full discussion of the question, it being deemed desirable to alter the same in some respects, it was unanimously

Resolved that, hereafter Liquor License for one year to approved applicants shall be issuable, by the authorities, and on the conditions, specified in the 22nd Section of the Code of 11th April 1862 in the first week of the months of June and of December respectively, and at no other periods; that persons wishing for a license shall be bound to lodge their application with the President of the Bench of the proper District not later than the 15th of May or the 15th of November, and that the President shall, at least once during the interval between the date of the application and the meeting of the Bench in June or December, give public notice, on the doors of at least one of the Churches of the district, of the fact of such application having been made and of the day fixed for the final disposal of it by the Bench; but, that in every case where, on any ground whatsoever, the granting of the License is objected to

by a majority of the householders in the neighbourhood of the house where the License is intended to be used, the Bench shall have no power to grant the License;—such majority of objectors, however, being bound to appear before the Bench and personally to object. For the purposes of this regulation, the word "householder" shall mean the head of a family occupying a separate house; and the word "Neighbourhood" shall mean the six nearest householders on each side of the house intended to be licensed. Excepting in as far as altered by the present enactment, the said 22nd Section of the present code, shall remain in full force.

The Council then adjourned.

J. BLACK.

Minutes of a Meeting of the Governor and Council of Assiniboia, 21 March 1865—

John Black Esq., Acting Governor of Assiniboia, President.
The Rt. Rev. The Bishop of St. Boniface, Councillor of Assiniboia.

Thomas Sinclair	Councillor of	Assiniboia.
Francois Bruneau	Do	Do
Robert McBeath	Do	Do
Henry Fisher	Do	Do
John Inkster	Do	Do
Maximilian Genton	Do	Do

Referring to the important question of seed wheat for the ensuing Spring the President stated that the time appeared to have at length arrived for determining what the Council was to do in the matter; and in again submitting the subject to their consideration he would only add that, in the event of the Council deciding upon the expediency of distributing any Seed Wheat this season, he had the satisfaction of saying that the Company's Agent, Mr. Chief Factor Clair, had, with a degree of kind consideration which he was sure the Council would duly appreciate, offered to supply the Council with 800 Bushels of Wheat at the same price that the Company had paid for it namely Eight Shillings a Bushel.

The Council believing in the necessity of a public effort to supply the deficiency of seed unanimously determined to distribute Eight hundred bushels of Wheat, on the condition of one Bushel and a quarter being returnable for every Bushel given out.

In order to ensure as fair and equal a distribution as possible among the different sections of the Settlement, it was resolved that the Settlement should be divided into three districts and that in each district 267 Bushels should be given out; the limits of the first district being from the point on the East side of the Main River opposite St. John's Cathedral, up to the extremity of the Settlement on that side, and thence on the West side of the Main River down to the Forks; the second district to extend along both sides of the Assiniboine River from the Fort upwards; and the third district to extend from the Upper Fort down to the end of the Settlement on the West side of the Main River and thence from a point opposite on the East side up to the starting point opposite St. John's. For the first District Messrs. Genton and Bruneau to be the distributors; For the second, Messrs. Alban Fidler and Pascal Breland; and for the third, Messrs. Robert McBeath, Thomas Sinclair and John Frazer; these Gentlemen being authorized in giving out the grain, to exercise their discretion in such a manner as should best meet the comparative necessities of the applicants and best secure the public interest.

Certain papers were then submitted to the Council from Mr. Serjeant in reference to his former claim for compensation for losses alleged to have been sustained by him at the Ferry, but the Council, on a careful reconsideration of the matter could discover no sufficient reason for departing from the decision which they formerly expressed on the subject.

On the motion of Mr. Inkster, seconded by Mr. Sinclair, the Council unanimously resolved that, in order to save the parties from loss in the discharge of public duties, every Councillor not receiving any Salary for any other office, shall be entitled to ten shillings a day for everyday's actual attendance at Council.

Complaints having been made of Constables absenting themselves for considerable periods from the Settlement, to the detriment of the public service, the Council directed that, in future, no Constable should be at liberty to absent himself from the Settlement for more than one night at a time, without express permission from the Magistrate of the district to which he belongs.

The Council then adjourned.

J. BLACK.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 30th day of May 1865.

PRESENT

John Black Esq, Acting Governor, President.
The Rt. Rev. The Bishop of St. Boniface, Councillor of Assiboia.

Thomas Sinclair	Councillor of Assiniboia.	
John Inkster	Do	Do
Henry Fisher	Do	Do
Robt. McBeath	Do	Do
Frans. Bruneau	Do	Do
Solomon Amlin	Do	Do
Pascal Breland	Do	Do
Maxim. Genton	Do	Do

The President laid before the Council a letter from Mr. McKenny resigning his office as Sheriff and Governor of the Jail, on the ground of the insufficiency of the salary and intimating that he only held the position till his successor should be appointed. Mr. Bruneau also produced a letter from Mr. McKenney stating that if his salary were raised to Sixty Pounds, he would be willing to continue his duties.

The Council taking into consideration all the circumstances of the case

Resolved that Mr. McKenny's salary be increased to Fifty Pounds a year. There were also laid before the Council applications from Mr. Caldwell and Mr. John Bunn for the offices of Sheriff and Governor of the Jail understood to have become vacant, but upon the application from these Gentlemen no final action could be taken in consequence of Mr. McKenny's resignation not yet having been accepted.

An application was then submitted from Mr. Charles Curtis for the extension of his license till next November without any further payment; but considering that at the time Mr. Curtis obtained his licence, he was well aware that it extended no further than June, and that it was granted in conformity with the then existing law, persons similarly circumstanced, who, if Mr. Curtis's application were complied with, would have an equally good claim on the Council for the extension of their licenses,—the Council felt bound to decline interfering in the matter.

A letter was read from Mr. Chas. Garrett regarding an alleged dereliction of duty on the part of Mr. Collector Goulet but the Council in a careful consideration of the subject came to the conclusion that the charge could not fairly be entertained.

The Council having then taken up the question relating to the present rate of duties on spirits unanimously

Resolved That in place of the present rates there shall be payable a duty of one shilling per gallon on all spirituous and fermented liquors and all wines imported into the district of Assiniboia, after this date, from any part of the British Dominions or from any foreign Country. Excepting always from such duty all wines imported for Church Service.

There was then presented a petition to the Council, signed by 180 persons praying the Council to take into consideration the state of the fishery in the Red River, and Assiniboine with a view to preventing the injury arising from the erection of Weirs or Barriers in these rivers whereby a great destruction of fish was caused and the majority of the people were prevented from catching a fair share of the fish on which, even in ordinary seasons, and much more in a season like this, so many were dependent for their means of living.

After due deliberation it was unanimously

Resolved That it shall be unlawful to erect any Weirs or Barriers in any part of the Red River or Assiniboine and that on receiving information of the existence of any such Weirs or Barriers any Magistrate shall be after 1st July and hereby is empowered to order any Constable to remove the same.

The Council then adjourned.

J. BLACK.

Minutes of a Meeting of the Governor and Council of Assiniboia on the 18th day of July 1865.

PRESENT

John Black, Esq., Acting Governor of Assiniboia, President.

The Rt. Rev. The Bishop of St. Boniface, Councillor of Assiniboia.

John Inkster,	Councillor of	Assiniboia.
Robert McBeath,	Do	Do
Henry Fisher,	Do	Do
Maximilian,	Do	Do

The President stated that the object for which the Council had been called together was to fix the date for the commencement of hay cutting this season. But he thought they should be unmindful of their duty and be doing injustice to feelings,

if, before proceeding with any other business, they did not take the opportunity of recording an expression of their sorrow at the death of one who had so recently been taken from amongst them—the lamented Mr. Bruneau. He believed the Council would fully bear him out in saying that Mr. Bruneau was a man of excellent sense and amiable character. As a Councillor, he was a true and faithful representative of that large Section of the Settlement with which he was more immediately connected; and as a Magistrate his efficiency and usefulness were well known to all. To the discharge of his Magisterial duties he brought an upright and conscientious mind, and a judgement far beyond the average for penetration and soundness. In his public conduct he knew no distinction of class or creed; by all alike his impartiality was confided in; and Mr. Bruneau was so constituted that it was only part of his nature to blend mercy with judgement. Personally, they had lost a friend; and as a Council they must feel that the Community had lost a valuable public officer.

The Council, after signifying their entire and cordial concurrence in these remarks on Mr. Bruneau's death, expressed an opinion that it would be a proper way of shewing their respect for his memory and their appreciation of his services, if they were to give Mr. Bruneau's family some assistance. With that view it was suggested that some enquiry should be made into the circumstances in which they had been left; and it was resolved that, with the aid of such information as might be so gained, the Council should resume the subject at their next Meeting.

With reference to the Hay question, it was then unanimously resolved that, this season the 20th of July shall be the date for the commencement of hay-cutting.

On the motion of the Bishop of St. Boniface, it was further resolved, that in order to prevent the uncertainty and inconvenience arising every year, from the present rule on the subject, the Council shall next year, either in May or in the early part of June, determine the date for beginning to cut hay; and that the date should then if possible permanently fixed without varying from year to year .

A Petition was then presented from James Armstrong and others setting forth the public injury caused by the alleged obstruction by James Mulligan and others of a certain road in their neighbourhood, which they considered a public road. But

the Council being of opinion that the question could not be settled without further information, they appointed the Land Surveyor, the District Road Surveyor and Mr. Smith to visit the road, and, after inquiring into the merits of the case, to make a report on the subject to the Council.

The sum of Forty Pounds was granted for the Middle District public works.

The Council then adjourned.

J. BLACK.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 3rd day of August 1865.

PRESENT

William Mactavish, Esq., Gov. of Assiniboia, President.
John Black, Esq., Rceorder & Councillor of Assiniboia.
The Rt. Rev. the Bishop of St. Boniface, Councillor of Assiniboia.

Henry Fisher,	Councillor of	Assiniboia.
John Inkster,	Do	Do
Maxime Genton,	Do	Do
Rob McBeath,	Do	Do
Solomon Amlin,	Do	Do

With reference to what had passed at last Council regarding the late Mr. Bruneau's family, the Bishop of St. Boniface stated that in his opinion it would be advisable still further to defer any action on the part of the Council in the way of assisting the family; and it was therefore determined to postpone the final consideration of the subject till another meeting.

The President than stated that he had assembled the Council in order to make the necessary appointments for filling the offices vacated by Mr. Bruneau's death and also to consider the propriety of nominating some additional Councillors.

The names of several persons were suggested for Councillors; and the Council then unanimously made the following appointments, namely:

Mr. A. G. B. Bannatyne to be President of the Petty Court, Middle District, with the usual salary of £16.

Mr. Pascal Breland to be President of the White Horse Plain Petty Court with a Salary of £8.

Mr. Porter to be one of the Petty Magistrates for the Middle District in Mr. Bannatyne's place, with the usual salary;

Mr. H. Fisher to be Road and Ferry Superintendent in the late Mr. Bruneau's place with the same salary of £25.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 31st day of August 1865.

PRESENT

William Mactavish Esq.,	Governor of Assiniboia,	President.
John Black Esq., Recorder and	Councillor of	Assiniboia.
The Rt. Rev. the Bishop of St. Boniface	Do	Do
Henry Fisher	Do	Do
John Inkster	Do	Do
Thomas Sinclair	Do	Do
Robert McBeath	Do	Do
Maximilian Genton	Do	Do

The President stated that his main object in assembling the Council, was to consider a proposal for adopting means for the official appointment of Guardians to Minors residing in the District. The inconvenience, he added, arising from the present state of things, was such, that, if possible, a remedy ought to be provided; and with that view, Mr. Recorder Black would submit a Motion, which, if adopted, might, it was thought, answer the purpose. The Council after full consideration, passed the following Resolution—

Whereas it is considered expedient to grant express authority for appointing Guardians to Minors living in the district of Assiniboia.

Therefore it is unanimously Enacted that it shall be lawful for the General Quarterly Court of the district to issue letters for the Guardianship of Minors residing in the district, and by such letters to empower the Guardians to take and have the care of the persons and the custody and management of the property of the Minors for whom they are so appointed,— subject always to the supervision and control of the Court. Every application for the appointment of Guardian shall be made at one Court, and the letters, when granted, shall only

be issuable by the next ensuing Court for a fee of Seven Shillings and Sixpence, payable to himself, the Clerk of the Court shall record every such appointment and grant a Certificate of the same.

A Petition was read from Mr. Albert Sargent for the remission of the difference of duty between the old and the new rates on a quantity of Spirits imported by him last May. But the majority of the Council being of the opinion that it was not advisable to comply with the application, the prayer of the petition was refused.

A Letter from Mr. Sheriff McKenny was then presented complaining of the present management of the Post Office; and it was resolved that the communication be submitted to the Postmaster for any statement he might wish to make in reply, and that thereafter the consideration of the subject should be resumed, another complaint which Mr. McKenny had made verbally, regarding an alleged endeavor to prevent the due serving of a Summons at his instance, was likewise refered to the President for an investigation and report.

The following Grants were made for the Public Roads.

£20 for the Upper District.

"10 " Lower Do

On the Motion of Mr. Inkster Mr. David Spence of Poplar Point, was appointed a Petty Magistrate belonging to the White Horse Plain Section with the usual salary.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 4th January 1866.

PRESENT

William Mactavish, Esq., Governor of Assiniboia, President.
The Rt. Rev. Lord Bishop of Rupert's Land Councillor of Assiniboia.

The Rt. Rev. Bishop of St. Boniface	Do	Do
John Black Esquire, Recorder	Do	Do
James R. Clair (Clare)	Do	Do
John Inkster	Do	Do
Robert McBeath	Do	Do
Thomas Sinclair	Do	Do
Henry Fisher	Do	Do
Maximilian Genton	Do	Do
Pascal Breland	Do	Do
Roger Goulet	Do	Do

The Bishop of Rupert's Land, Mr. Clare and Mr. Goulet took usual oath, as members of Council.

The President laid before the Council Messrs. Smith and Fraser's Report on the memorial regarding the alleged obstruction of road by James Milligan;(1) from which it appeared that, in their opinion, the complaint was well founded. The Report was unanimously adopted; and the Council directed that John Mulligan be accordingly ordered to remove the obstruction by 1st April next.

With reference to the complaint of Mr. McKenny(2) regarding alleged irregularities in the Post Office, the President submitted a statement on the subject from Mr. Bannatyne accompanied by a document signed by most of the merchants of the Settlement expressing their satisfaction with the present Post-Master's management, and also a memorial from Mr. McKenny with affidavits by himself and others in support of some of his complaints, and the Council taking the whole subject into consideration, came to the following resolution as moved by Mr. Clare and seconded by the Bishop of Rupert's Land, namely: that in the opinion of the Council the only complaint by Mr. McKenny in reference to the Post Office, for which there appeared to be any good ground, was that of the Post-Master having occasionally given persons calling at the Post Office access to the Mails; that the Council, however, believed that the Post-Master had permitted this in the spirit of accommodation to the public and saw no ground for imputing to him any improper motive in the matter; but at the same time the Council could not but regard the practice as one that was open to serious objection; and they therefore directed that Mr. Bannatyne, on being informed of the result of this investigation, be instructed to discontinue it in future, and to make it a rule, that, in the receiving, as well as in the distributing of the Mails, none but himself or some trustworthy person in his employment, be permitted to handle the letters and papers.

A Petition on the part of the Settlers at Portage La Prairie was then read, praying for assistance in the establishment of a fortnightly mail, between the Post Office and that Settlement—and it was agreed that the sum of Five Pounds be granted as a contribution towards the object for six months,

(1) See document No. 101 of Documents relating to Council of Assiniboia, Prov. Library, Winnipeg.

(2) See document No. 97 of Documents relating to Council of Assiniboia, Prov. Library, Winnipeg.

but on the understanding that it shall only be paid after the actual performance of the service, for that period in a manner satisfactory to the Governor.

A communication was submitted from the Editor of the "Nor Wester," and the Council on due consideration of the subject it referred to, granted the sum of Ten Pounds for publishing the Minutes of Council and the Public Accounts.

It was unanimously resolved to increase the salary of the Petty Magistrates to Ten Pounds each and that of the Presidents of the Petty Court for the White Horse Plains and the Lower Section to Twelve Pounds each.

The President having brought the present licensing regulations under consideration in consequence, as he particularly informed the Council, of representations made to him of the difficulty which persons opposed to the granting of a license, experienced in giving effect to their objections, under the existing laws, the Council

Resolved that, hereafter instead of objectors being obliged to appear personally on one and the same day before the licensing Bench, any person authorized by the present law, shall, at any time during the interval between the application for the license and the disposal of it, be entitled to appear before the President and intimate his objection as effectually as he could now do by a personal appearance on the day of disposal.

The Council unanimously Resolved that, from and after the 1st of April next all duties on Wines and Spirits shall be payable immediately on entry.

It was moved by Mr. Inkster and seconded by Mr. McBeath that in place of 20/ the fine for Stallions found at large, be raised to 40/ and the daily pay for keep to 1/, but the Council not being unanimous on the question it was necessarily ordered to stand over.

The Council then adjourned.

W. MACTAVISH.

Minutes of a meeting of the Governor & Council of Assiniboia held on the 22nd day of February, 1866, at which were present the following, viz.:—

William Mactavish, Esq., Governor of Assiniboia, President.

The Rt. Rev. The Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Recorder, Councillor of Assiniboia.

J. R. Clare,	Councillor of	Assiniboia.
Jno. Inkster,	"	"
Thos. Sinclair,	"	"
Robt. McBeath,	"	"
Henry Fisher,	"	"
Pascal Breland,	"	"
Maxn. Genton,	"	"
Roger Goulet,	"	"

With the view of submitting to the next Council a different proposal on the subject of an increased fine on Stallions found at large, Mr. Inkster, with permission withdrew his former motion.

The President laid before the Council, a Petition from the Settlers at Point Coupee, to the number of 27, representing that, with a view of the instruction of their children, numbering, as they state, about 60 in all they had lately built a school-house, but had not the means of paying a School-Master, and they were therefore led to petition the Council for such aid as it might be thought fit to afford. The Council by a majority of votes, granted £10, to be payable to the School-Master himself; but in granting that sum, the Council wished it to be distinctly understood by all concerned, that it would not be continued; being given for the present year only, and that it was not to be drawn into a precedent. For the Council, while admitting the unquestionable importance of education to the children of all classes in the community, were fully aware that the funds at their disposal would not admit of systematic grants being made for that purpose, and that in the present state of affairs, the Educational wants of the Settlement must continue to be met in the same way as they have hitherto been.

With respect to the offence of Horse taking it was unanimously Resolved that the fine, as specified in Article IX of the printed Code, shall be increased from One Pound to Two Pounds.

On the Motion of Mr. McBeath, seconded by Mr. Goulet, it was proposed that the wholesale traffic in liquor should be subject to a license, as well as the retail trade, but that one licence should include both. The Council being divided on the question, it was necessarily ordered to stand over for next meeting.

It was resolved that, in future the Petty Court for the White Horse Plains Section be held on the Second Monday of May.

Mr. Clare was appointed one of the Auditors of the public accounts to supply the vacancy arising from Dr. Cowan's departure.

Governor Mactavish informed the Council of his intention to proceed in a few days, on a visit of business, to England, and that Mr. Black would as formerly, officiate for him during his absence, as Governor of Assiniboia.

The Council then adjourned.

W. MACTAVISH

Minutes of a meeting of the Governor & Council of Assiniboia held on the 28th day of March, 1866, at which were present the following Councillors:—

John Black, Esq., Acting Governor of Assiniboia, President

The Rt. Rev. Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Rev. Lord Bishop of St. Boniface, Councillor of Assiniboia.

James R. Clare,	Councillor of	Assiniboia.
John Inkster,	"	"
Henry Fisher,	"	"
Robert McBeath,	"	"
Thomas Sinclair,	"	"
Maximilian Genton	"	"
Roger Goulet,	"	"

The President stated that the principal object for which the present Council had been assembled, was to submit to consideration a letter which Mr. Chief-Factor Clare had received by the last Mail from Colonel Adams of the United States at Fort Abercrombie regarding the Sioux now living about the Turtle Mountain and other localities near the frontier. In that letter Colonel Adams intimates that he has been authorised by Brevet Major General Corse, Commanding the District of Mina: to use every possible means to induce the hostile Sioux to surrender themselves at Fort Abercrombie, and to grant the Sioux protection and entire absolution for all past offences in the event of their giving themselves up; and Colonel Adams asks the aid of such influence from the Settlement, as could be brought to bear upon the Sioux to accede to the proposals he had made.

Mr. Clare had replied to the letter; but the subject being one that concerned the whole community, it had been thought

advisable to call the Council together, in order that such action might be taken on their part, as the circumstances should be considered to require.

After full deliberation, the following resolution was proposed by the Bishop of Rupert's Land, seconded by the Bishop of St. Boniface, and unanimously carried:

That the Council having had laid before them the letter sent to Mr. Clare by Colonel Adams of the United States Army at Fort Ambercrombie, on the part of the General Commanding the Forces, express their hearty concurrence in the terms of the letter sent by Mr. Clare in reply to Colonel Adams; and authorise Judge Black and Mr. Clare to communicate the letter of Colonel Adams to the Chiefs of the Sioux and endeavour to induce them to accede to its offer; and further give power to Judge Black and Mr. Clare to supply what provisions may be necessary to carry the Sioux to Fort Abercrombie and to commission some Settler or Settlers of position to accompany the Sioux to Fort Abercrombie and introduce them to the General Commanding the United States Troops, as surrendering according to the provisions of the letter of Colonel Adams.

With reference to the motion of Mr. Inkster, withdrawn at last Council, it was proposed and, by the casting vote of the President, resolved that if any Stallion of sixteen months old or upwards, not licensed to run at large in the manner hereinafter mentioned, be found at large after the 20th day of April next, the owner shall be fined Four Pounds, one half of which shall go to the Captor of the horse, and the horse himself may be kept in pledge till security be given for the payment of the fine; and for the keep of the horse the owner shall pay one shilling per day. Such licenses shall be issuable yearly to the Magistrates acting within their respective Districts, and it shall be lawful for any Magistrate acting as aforesaid and after consultation with at least six of the neighbouring Settlers regarding any horse on behalf of which a license shall have been applied for and of which the Magistrate shall approve, to grant such license in the terms following:—

A. B. is hereby permitted to let a Stallion.....years old run at large for this season.

Red River Settlement
1866.

Magistrate.. .. .. .. Section.

A Petition was presented from certain " inhabitants of the Town of Winnipeg ", representing that, owing to their locality having become a centre of business and a place where liquor was sold, the ordinary means of protection were found insufficient, and praying for the appointment of two Constables for that neighbourhood, one for duty by night and the other by day. The subject was considered at some length and it was ultimately resolved that for the present the matter should stand over.

The Council then adjourned.

J. BLACK.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 15th day of June 1866, at which were present the following Councillors:—

William Mactavish, Esq., Governor of Assiniboia, President.

Rt. Rev. the Bishop of Rupert's Land, Councillor of Assiniboia.

John Black,	Councillor of	Assiniboia.
James R. Clare,	Do	Do
John Inkster,	Do	Do
Robert McBeath,	Do	Do
Henry Fisher,	Do	Do
Maximilian Genton,	Do	Do

The Minutes of last Meeting having been read and confirmed, a petition was presented from Sister Clupin, Superioress of the Sisters of Charity at St. Boniface, praying that the present road between the Catholic Cathedral and the Convent might be shut up, and, that in place thereof another road might be accepted which the Bishop of St. Boniface had offered to give on the lower side of His Lordship's property, as particularly pointed out in a Map produced with the Petition.

The Council after due consideration of the subject Resolved, first, that permission be given to shut up the old road, on condition of the new road being granted, according to the map produced, and of that new road being put in a proper state for public use; and, second, that Bishop Taché's offer to remove the German Creek Bridge at his own expense be accepted, but that Messrs. Goulet and Fraser be appointed to lay before the Council an estimate of the cost of removing the old Bridge, with a view to a similar sum being granted by Council in aid of its removal to its new position.....

With regard to the Hay-Making, the Council unanimously fixed the 26th of July as the day for beginning to cut Hay this year.

The sum of One Hundred Pounds were granted for the public roads and Bridges of the middle District.

A Petition was presented from Pierre Poitras praying for the appointment of another Constable to relieve him from a part of his share of duty in that District; but, Magnus Berston having some time ago been appointed, the Council could see no necessity for another Constable.

A Petition was then presented from Mr. William Drever and others, setting forth the Petitioners opinion of the importance of the products of this country being represented at the approaching Paris Exhibition, and intimating that the official who had the charge of representing the productions of Canada, had offered to receive into the Canadian Collection any thing that might be sent from this country free of expense after delivery at Toronto or Montreal.

The Council considered that Specimens ought to be received from such persons as might choose to furnish them gratuitously to be afterwards forwarded by the Council to Canada; and Governor Mactavish finally informed the Council that after more fully satisfying himself as to the willingness ofthe Canadian Officials to take charge of articles from this country, he would be ready to receive such specimens as might be sent him.

From Antoine Grouette, the Jailor, a petition was presented for an increase of salary on various grounds therein fully mentioned; and the Council having taken the matter into consideration unanimously raised his salary to Forty Pounds a year, such sum moreover, to be in full of salary and all allowances of every kind.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 23rd day of June 1866 at which the following Councillors were present:—

John Black,	Acting Governor of	Assiniboia, President.
James R. Clare,	Councillor of	Assiniboia.
Robert McBeath,	Do	Do
Henry Fisher,	Do	Do
Thomas Sinclair,	Do	Do
Maximilien Genton,	Do	Do
Roger Goulet,	Do	Do

In briefly explaining the object for which the Council had been summoned on such short notice, the President expressed his regret at its having been found necessary to assemble the Council so soon after their last meeting. But an occurrence had taken place the day before yesterday which had caused considerable apprehension in the public mind, and might possibly call for the adoption of some precautionary measures on the part of the Council. On that day a Band of Sioux Indians in disregard of the advices which the authorities had constantly given that Tribe to keep away from the Settlement entirely, had been visiting Fort Garry and were quietly taking their departure in company with a number of Saulteaux, who had visited the establishment, the same day, when a distance of about a mile from the Fort, the Sioux were suddenly fallen upon by a Band of Red Lake Indians who had just come into the Settlement, and four of them shot down on the spot. The rest of the Sioux fled for their lives, and the Saulteaux made their escape in another direction,—the destination of the former being supposed to be Portage La Prairie and that of the latter, the Red Lake Country. But, although both bands of Indians had thus gone away, it seemed by no means improbable that the Sioux, after being reinforced by the main body of these Indians now understood to be living about the Portage and the Turtle Mountain might ere long, return in larger numbers to the Settlement, partly with the view of retaliating upon some of the Saulteaux Tribe, and partly, it might, perhaps, be, with the idea of seeking from the Settlement some kind of satisfaction for what had happened. From all that had been heard on the subject, it was not supposed that the Sioux imagined that anyone connected with the Settlement could have either foreseen or prevented the occurrence; but at the same time it was difficult to say in what light the capricious mind of an Indian might regard the affair; and therefore it had been thought right to bring the whole subject before the Council.

After mature deliberation the Council unanimously Resolved, that, with a view to the likelihood of the Sioux returning in considerable numbers, and to the importance of preventing the Settlement by every possible means, from again becoming the scene of serious collisions between hostile bands of the Sioux and Saulteaux Indians, the Acting Governor be empowered to collect from among the Settlers a body of from fifty to one hundred mounted armed men to meet the Sioux on their way to the Settlement, and in the event of its being

found impossible to persuade them to go back, to escort them into and out of the Settlement, and to take such other measures for the preservation of the public peace and safety, as might be deemed necessary.

The Council then adjourned,

J. BLACK.

Minutes of a meeting of the Governor & Council of Assiniboia held on the 29th day of November, 1866, the following Counsellors being present, viz.:—

William Mactavish, Esq., Gov. of Assiniboia, President.

The Rt. Rev. Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Rev. Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Recorder, Councillor of Assiniboia.

William Cowan,	Councillor of	Assiniboia.
Maximilian Genton,	"	"
Roger Goulet,	"	"
Robert McBeath,	"	"
John Inkster,	"	"

The President informed the Council that one object for which they had been called together, was to consider the question of the appointment of a President for the Petty Court at White Horse Plains; and the Council after due deliberation unanimously appointed Mr. Wm. Robt. Smith to that office with the Salary belonging to it.

Mr. Norbert Larence was appointed a Petty Magistrate for the Middle District Petty Court.

The President submitted to the Council a petition which he had received from the Reverend Mr. Black the Minister of the Presbyterian Church Kildonan, praying that the fee chargeable on marriage licences granted to members of his communion, instead of being carried to the credit of the public Fund as heretofore, should, in future, be available to the Presbyterian Church, in the same way that the Heads of the other Denominations in the Settlement were permitted to draw the fees on Licenses to persons belonging to their respective Bodies; and the Council deeming the application just and reasonable unanimously

Resolved, That the Fees hereafter receivable by the Governor of Assiniboia for Marriage Licenses granted by him to

members of the Presbyterian Community, be handed over to the senior Minister of the Presbyterian Church in behalf of that Body.

A Petition was presented from Messrs Garratt, Thomas and Joachim, for the reduction of the Distillers Licence; but the Council not seeing any sufficient reason for the proposed change, Resolved that no alteration of the law be made at present.

The President directed the attention of the Council to the present mode of granting letters of Administration in cases of intestacy, and suggested for consideration, whether, instead of such letters continuing to be issued by the Governor of Assiniboia, according to the present law, it would not be advisable to transfer the duty to the General Court, thereby placing them on a similar basis to that lately established for the issuing of Letters of Guardianship; And the Council, regarding the change as desirable unanimously

Resolved, That, hereafter, the General Quarterly Court shall be and is empowered to grant letters of Administration in cases of Intestacy within the District of Assiniboia; that the application for such Letters shall be made at one Court, and the Letters issuable only at the next ensuing Court, public notice to all concerned being, in the meantime, given, at the Court-house door, of the act of such application having been made. For the Letters of Administration, when granted by authority of the Court, the Clerk of the Court, shall be entitled to a fee of 7/6 from the applicants.

The Council then adjourned.

W. MACTAVISH

Minutes of a meeting of the Governor and Council of Assiniboia held on the 7th day of March, 1867, the following Councillors being present, viz.:—

William Mactavish, Esq., Governor of Assiniboia, President.

The Rt. Rev. Lord Bishop of Rupert's Land, Counsellor of Assiniboia.

The Rt. Rev. Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Esq., Recorder of Assiniboia, Councillor of Assiniboia.

William Cowan, M.D.,	Councillor of	Assiniboia.
John Inkster,	"	"
Robert McBeath,	"	"
Henry Fisher,	"	"
Thomas Sinclair,	"	"
Roger Goulet,	"	"
Maximilian Genton,	"	"

The Governor stated that he wished to bring under the consideration of the Council the question of organizing some small local Force for protecting the Settlement from Indian disturbances, such as unhappily occurred last Summer, and for the more effectual prevention and punishment of those Indian depredations upon the Cattle and other property of the Settlers, which even already were of too frequent occurrence, and would probably go on increasing, unless some better means, than now exist, were devised for the detection and punishment of these offenders.

The mere fact of the existence of such a force of reliable men,—however small in numbers,—would, in his (the Governor's) opinion do much to avert from the Settlement the recurrence of such outrages, as had taken place last year between the Red Lake Indians and the Sioux; and to his mind, it further appeared that such a body might also be highly useful in more effectually securing the execution of warrants against Indians charged with Cattle Killing, but who in some cases were not apprehended, owning, in a great measure, as the Governor believed, to the want of such a force amongst us.

On a subject of such importance, the Governor further observed, that he hardly expected the Council to come to any immediate determination; and therefore his present object was merely to submit the matter to consideration, with the view of soon again taking up the question at another Council, and of possibly then seeing the way to the adoption of some practical measure.

In the course of the discussion which followed upon these remarks, the Council expressed an unanimous sense of the importance of the question to which they referred and of the great desirableness of some practical effect being given to them. The extent of the force to be raised, the attendant expence, and other points connected with the project, were, in a general way, brought under discussion; but the Council not being prepared for the adoption of any definite measure, the whole subject was deferred for further consideration at a future meeting.

The Governor then stated that his attention had lately been specially directed to the fact, that, at present, there was no law to prevent the carrying of Spirits out of the Municipal District and supplying them to Indians,—a practice which was obviously calculated to produce many serious evils and which therefore it would be very desirable to check, if possible.

In connection with the subject, the Governor submitted to the Council a despatch which he had recently received from His Excellency Lieut. General Sir John Michel, as Administrator of the Government of Canada, accompanied by the copy of a despatch which he had received from Sir Frederick Bruce, Her Majesty's Minister at Washington, with copies of two letters, communicated to him by the Secretary of State of the United States, in reference to the demoralisation produced among the Indians of the Upper Missouri by the sale of Whiskey to them by persons alleged to be British subjects;—and in which letter from the Governor of Canada, the hope is expressed that enquiry be made into the matter referred to, and, if it should be ascertained that persons living under the jurisdiction of the authorities of this country, were carrying on a traffic in ardent Spirits with Indians living within the territory of the United States, such steps might in the interests of civilization and morality, be taken for restraining them, as should be deemed advisable.

The importance of the question raised by these representations, the Governor observed, was undeniable, and if it were the fact that spirituous liquor was supplied by Traders from the British Settlement, not only to the Indians of this Territory living beyond the limits of the Municipal District, to which is restricted the operation of the existing local regulations against supplying Indians with the means of intoxication, but also to the Indians of the United States Territories there was no doubt that it became highly desirable to devise means for the suppression of so pernicious a traffic, but with so widely extended a frontier in such a country and so limited a staff of officers to watch it, the great difficulty was how to give practical effect to any new law that might be passed on the subject, and, moreover, it appeared to be by no means certain, that it was not by American citizens themselves, that the traffic complained of from Washington was principally carried on.

The Council, while earnestly deprecating the supplying of Spirits to the Indians either on American or British Territory, whether by American Citizens or by British Subjects, yet could

not but perceive very considerable difficulty in the application of any effectual remedy; and it was therefore determined to postpone the further consideration of the whole subject to some future meeting.

On the proposal of Mr. Inkster, seconded by Bishop Taché, the salary of Mr. John Fraser, Road Surveyor, was fixed at £25;—that rate to apply to the current year.

There was then presented a Petition from a number of the residents at Portage La Prairie representing in substance that the system of self-government which they had been trying to set up among themselves in that quarter had not been successful, and praying, as a means of being relieved from the evils of the present state of things, that their Settlement might be brought within the jurisdiction of the authority of Red River, or, in other words, that the Portage La Prairie might be annexed to Red River Settlement. At the same time there was laid before the Council a Counter Petition from about an equal number of Portage Inhabitants deprecating the immediate annexation of their Settlement to Red River as being in their opinion premature and praying the Council to postpone, at all events for a short time, any final action in the matter.

After due deliberation on both Petitions the following resolution was unanimously adopted: that, while entertaining a favorable inclination towards the object of the Petitioners who have sought for the annexation of their Settlement to Red River as a means of securing for themselves the advantages of better Government than they now have under the system of self-government which they have been endeavoring to carry on, and while deeply impressed with the importance of the whole question, the Council deemed it advisable to defer any final decision on the subject to some subsequent Meeting.

Through the Postmaster, Mr. Bannatyne, an application from Dr. John Schultz was laid before the Council, offering for a yearly allowance of £6 to carry a bi-weekly mail to the Portage: but, as it appeared to the Council that no such Postal arrangements could properly be entered into at present, the Council did not deem it expedient to accept of Dr. Schultz's offer.

On the part of John Omand a petition was submitted for reparation for a loss which he was said to have sustained on the 10th of January last by a horse of his, while crossing the public Bridge on the road opposite Dr. Bird's, having broken its leg by falling through a hole in the Bridge, thereby causing the en-

tire loss of the animal, which he valued at fifteen pounds. But the Council, considering it necessary to be made more fully acquainted with all the circumstances of the case, before they could satisfactorily dispose of the claim, one way or the other, resolved that Mr. McBeath and Mr. Inkster be appointed a Committee to enquire into the facts of the case by visiting the spot and by examining any persons who might have witnessed the accident or might know what was the precise condition of the Bridge at the time of its occurrence; Mr. McBeath to report to the next Meeting of Council.

A Petition was read from Mr. McKenny and four of his neighbours complaining of the inconvenience which they suffered from the operation of the present law, restricting the summonses of the Petty Magistrates to their own respective Sections. The Petitioners represent that, under the present law, they are compelled as plaintiffs to institute proceedings and attend Court in such Section as the Defendants happen to reside in, and they pray for such an alteration of the law, as would enable them to raise actions for debts and damages in the same Sections of the Petty Court as those in which the Petitioners themselves reside.

The Petition was referred to Mr. Black, Dr. Cowan and Mr. Sinclair, as a Committee to consider the question and report, Mr. Black to be Chairman of the Committee.

There were then presented several Petitions from different Districts in the Settlement praying for the appointment of Dr. Schultz to fill the vacancy in the Council, caused by the death of Mr. Chief Factor Clare, likewise a letter from Mr. Thomas Spence to the Clerk of the Council explaining in his capacity of Secretary to a certain "Petition Committee" the difficulty they had felt in framing their Petition, and giving, on the part of that Committee, an interpretation of what they understood to be the real view and wishes of the Petitioners. A Counter Petition from other Inhabitants was also presented praying the Council not to appoint Dr. Schultz to a seat in it, as being in their opinion not an eligible person to fill the office.

The Council, in considering the Petition and the Counter Petition, regretted to observe that on both sides the petitioners had proceeded under the erroneous impression that the Council had the power of appointing its own Members, whereas it is by the Governor and Committee of the Hudson Bay Company that these appointments are made; and under these circumstances the Council felt that they could only refer the Petition

and Counter Petition, with Mr. Spence's letter, to the Hudson's Bay Company, and the Clerk was directed to inform the parties accordingly.

On the motion of the Bishop of Rupert's Land, seconded by the Bishop of St. Boniface, the following resolution was unanimously adopted:—

The Council desire at this, which is its first meeting since the lamented death of Mr. Clare, to express their deep sense of the loss which they have suffered; and they request that the Governor will kindly communicate this Resolution to Mrs. Clare as a mark of their deep sympathy with here in her bereavement.

Mr. Black gave notice that with the view of preventing the cruelties, the losses and inconveniences arising from the present unsatisfactory state of the law regarding strayed Cattle and Horses, he would at the next Council, propose a new Impounding law—also a law to prevent unauthorized persons from bringing into the Settlement from the Plains horses not belonging to themselves and then advertising them as lost horses that have been found.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 12th day of April 1867—at which the following Councillors were present, viz:

William Mactavish, Esq., Governor of Assiniboia, President

The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

The Rt. Rev. The Lord Bishop of St. Boniface, Councillor of Assiniboia.

John Black, Recorder and Councillor, Assiniboia.
William Cowan, Esq., M.D. " "
John Inkster, " "
Henry Fisher, " "
Robert McBeath, " "
Thomas Sinclair " "
Roger Goulet, " "

The Governor, referring to the question of a local Force, which had been brought under consideration at the last meeting stated, that one of the principal objects for which the Council had now been assembled, was to determine what was to be done on that subject

The Council perceived that there were two leading objects contemplated by the Establishment of a Local Force,—one of them being the more certain execution of the laws against Indians committing depredations upon the Settlers' Cattle; and the other being the prevention of hostile meetings within the Settlement between different tribes of Indians, such as occurred last Summer, to the danger and alarm of the whole community.

With regard to the former of these objects, the Council was of the opinion that, by the addition of a small number of the present staff of Constables and by the adoption of means for securing a greater degree of efficiency on the part of these officers, all that was necessary might be attained for the due punishment of the particular class of offenders referred to; and, with the view of obtaining such increased efficiency, the Council Resolved, that before appointing the Constables for the ensuing year beginning on the 1st September next, the Magistrates should make a point of fully satisfying themselves of the sufficiency of the qualification of every Constable to be then appointed, not only as regards the knowledge of his duty, but also his ability and energy in performing it. For that purpose, it was determined, that the Magistrates shall assemble at the Court House in the last week of August, when the Constables have to be paid and appointed.—In connection with the subject, the Council was led to consider the expediency of appointing a Superintendent of Constables, but after some discussion the Council deemed it best to leave that question in the hands of the Governor, to be dealt with in whatever way he might think most advisable.

With respect to the latter of the two objects referred to, the protection of the Settlement, namely, against the dangers connected with Indian hostilities, the Council, while fully sensible of the desirableness of having at command a force sufficient to control such disturbances, expressed at the same time an opinion that any Force, to be effective for that purpose, would require to be of very considerable strength, and to be besides, thoroughly organized and regularly disciplined, conditions, which the Council believed, could not be secured, without involving the Settlement in an expense which, with its present revenue, it could not afford. There was at present, no special ground for apprehending a recurrence of the events of last Summer; and believing as the Council did, that, in the event of the Settlement being suddenly threatened with danger from

a similar cause, the Inhabitants from a motive of self-preservation, might reasonably be expected to yield a prompt and cheerful response to any call that might be made for their services as Volunteers to avert a common danger, the Council did not consider it advisable to proceed further in the matter at present, and unanimously adopted the following Resolution, That, at present, the Council perceive considerable difficulties in the way of embodying any permanent Local Force, and therefore deem it expedient to confine themselves to authorizing some small addition to the strength of the present Constabularly Force and to pointing out the arrangements already suggested for making that Body more efficient.

The Council then resumed the consideration of the Annexation Petitions from Portage La Prairie, and it appearing, on the question being put, that the Council was not unanimous, the final disposal of it was necessarily, according to the Standing rule, reserved for the next Meeting.

Recurring to the application of John Omand, the Council unanimously adopted the following resolution: That the Council having heard the report of Mr. McBeath and Mr. Inkster on John Omand's petition for compensation for the loss of his Mare agree to pay him Fifteen Pounds as her value; but, in granting this compensation, the Council desire to guard themselves against any admission of their liability for any accident which may not be clearly attributable to negligence on their part.

As Chairman of the Committee appointed to consider the Petition of Mr. McKenny and others presented at last Meeting Mr. Black submitted the following Report:

To the Honourable the Governor and Council of Assiniboia

Report of the Committee appointed 7th March 1867 to consider the Petition then presented for extending, the range of the writs of the Petty Courts beyond the limits of their own respective Sections:

Your Committee has to say that they have duly considered the question which was submitted to them on the 7th ulto; and, while they admit, there are some reasons in favor of the change proposed by the Petitioners, there are others of greater weight, inclining your Committee to the opinion that it would not be expedient to adopt the suggested alteration.

On the other hand, your Committee perceive that, in compelling a Creditor to sue his debtor in the Section where the

debtor resides, instead of that where the Creditor himself is living, there is an apparent hardship imposed upon the party who is, ostensibly at least, a sufferer already; but, on the other hand, your Committee have felt bound to consider:

1st That, until the action has been tried, the existence of the debt is an open question

2nd That the proposed change would necessarily entail increased costs by the Mileage incurred in sending the Writs from one extremity of the Settlement to the other; and as the Petty Court Suits are only for comparatively small amounts it seems undesirable to introduce a change which would have the effect of increasing expenses without any compensating advantage that your Committee can discover; and

3rd That your Committee are informed that, in point of fact, by far the greater number of the causes of action before the Petty Courts, arise in one particular Section; and, if that be so, it is evident that the effect of the proposed change would lead to an unnecessary withdrawal of actions from other Sections, and to an inconvenient accumulation of cases in the Section referred to, an accumulation which, to say nothing of other objections that might be urged against it, would have an obvious tendency, by delay, to increase still farther the expenses of the Suit.

On the whole, therefore, your Committee beg respectfully to report, that, in their opinion, it is not advisable to make any change in the present mode of issuing writs for the Petty Courts.

(Signed) JOHN BLACK,
Chairman.

Red River
10th April, 1867.

And the Council concurring in the views of the Committee, they unanimously adopted the Report.

In conformity with the notice given on the subject, Mr. Black then submitted a series of resolutions regarding the impounding of strayed Cattle and Horses; and, it was offered that they lie over for further consideration.

On the subject of horse driving, also included in Mr. Black's former notice, the Council unanimously passed the following law, to take effect from the 1st of May next:

Whereas a practice has grown up, of persons bringing into their own premises in the Settlement horses from the Plains

not belonging to themselves on the plea that they are lost horses which they have found, and then shutting up the horses, and, with more or less of publicity, advertising them and calling upon the owners to appear and prove their property, even as it sometimes happens, without their being given the opportunity of seeing the animal, and further requiring the owners, when they can prove their property to the satisfaction of the ostensible finder, to pay him such expenses as he himself may choose to demand;

And whereas the practice is often productive of great inconvenience and loss to the owners of horses turned out to pasture.

It is therefore unanimously Resolved that, if without the authority of the owner of the animal any person shall from any part of the Municipal District, bring or cause to be brought into the Settlement, and shall put or cause to be put into any enclosure Stable or Byre not belonging to the owner of the animal, any horse, mare, gelding, colt or filly, or shall knowingly keep it in his possession or with his own band of horses, so as intentionally to deprive the owners of the use of the animal, such person shall,—in addition to his liability to the owner for civil damages,—be liable to a Penalty of Ten Pounds, of which one half shall belong to the informer prosecuting the offender to conviction; and it is further Resolved that the Petty Courts shall have power to hear and decide all actions for the recovering of the Penalty arising from the breach of this law.

A Petition was read from William Henderson, offering for the sum of Fifteen Pounds, to take the Superintendence of the Middle District Roads, or the Middle and Lower District roads together, for Twenty-five Pounds, on condition of his being allowed the privilege of working on the roads himself. But the Council, having it in view to proceed, at an early date, to consider the whole of the necessary Road arrangements for the ensuing Year, was not in a position to come to any final determination upon Mr. Henderson's proposals.

The Governor informed the Council that Mr. James McKay had offered without salary, to Superintend the Road from Sturgeon Creek to the Forks; and the Council being of opinion that it would be proper to take the benefit of the offer, they advised that the Governor should accept the proposal, on condition, however, that the expenditure on that portion of the

Road be kept within limits proportionate to the allowance for public works on the rest of the roads.

The Council then adjourned,

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 30th day of April 1867.

Present:

William McTavish Esq., Governor of Assiniboia, President.

Rt. Rev. the Lord Bishop of Rupert's Land, Councillor of Assiniboia.

John Black Esq., Recorder, Councillor of Assiniboia.
William Cowan Esq. M.D. " "
John Inkster Esq. " "
Robt. McBeath Esq., " "
Maximilian Genton Esq., " "
Roger Goulet Esq., " "

The Governor again brought under notice the question of the Portage petitions regarding annexation; and, after some further discussion, the Council unanimously resolved that the whole subject still lie over.

The attention of the Council was then called to the necessary Road arrangements; and the Council being of opinion that a subdivision of the present Districts, is desirable; they resolved that in place of the existing four Sections, the Settlement be divided into the following ten, with Superintendents and salaries stated opposite to them, namely

I. From the Sturgeon Creek upwards on both sides of the Assiniboine and from the Forks upwards on the South side.	Patrice Breland £10. 0.0.
II. From the Sturgeon Creek (Including the Bridge down to the Upper end of Ross's Bridge West side of River..	James McKay No Salary.
III. From the Upper end of Ross's Bridge down to St. Paul's Church West Side.	John Fraser £10.0.0.

IV.	From St. Paul's Church to St. Andrew's Church West Side.	Thomas Sinclair £10.0.0
V.	From St. Andrew's Church to St. Peter's Church West Side.	Donald Gunn £10.0.0.
VI.	From St. Peter's Church to St. Andrew's East Side.	£5.0.0.
VII.	From St. Andrew's to St. Paul's East Side.	David Banerman £6.0.0.
VIII	From St. Paul's to German Creek East Side.	William Henderson £8.0.0.
IX.	From German Creek to Marion's Ferry East Side.	Pierre Gladieux £8.0.0.
X.	From the Forks to Point Coupée West Side.	Norbert Larence £5.0.0.

Mr. Black then stated that he had been applied to regarding the insufficiency of the present regulation respecting the trespass of Pigs and had been requested to propose some such alteration as might protect the Settlers lands &c from the injury they sustained by Pigs being allowed to run at large and thereby not only damaging their enclosed fields, but rooting up and destroying the young wood growing on their lots. Mr. Black had been given to understand that the present law was quite inoperative, and believing that some alteration was necessary, he proposed a resolution imposing a fine of twenty shillings on the owner of every pig trespassing beyond its owner's grounds. But the Council not being unanimous, the question ordered to stand over till next meeting.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 20th day of May 1867 when the following Councillors were present, viz.:—

William Mactavish Esq., Governor of Assiniboia, President.

The Rt. Rev. The Lord Bishop of Rupert's Land, Councillor of Assiniboia.

John Black Esq., Recorder of and Councillor of Assiniboia.

William Cowan,	Councillor of	Assiniboia.
John Inkster,	"	"
Robert McBeath,	"	"
Henry Fisher	"	"
Maximilian Genton	"	"
Solomon Amlin,	"	"
Thomas Sinclair,	"	"
Roger Goulet Esq.,	"	"

The Governor submitted a letter from Messrs James McKay and Robert Tait making proposals for taking charge of the public Ferry at the Forks and building a Bridge across the Assiniboine; and the Governor, with a view to the possibility of some arrangement being made with them, desired to ascertain the opinion of the Council on the subject.

The Council in general terms expressed themselves favorable to the project, as being one, which, if properly executed, would greatly promote the public convenience; and were disposed to encourage the enterprise by giving a very long lease of the Ferry on fair conditions, and by voting a liberal grant in aid of the building of the Bridge.

On some points of their offer Messrs. McKay and Tait had left some room for doubt, as to the precise conditions they would accept; and therefore, the Council advised that the Governor confer farther with them on the subject, with a view to an exact settlement of the terms of a regular agreement—such agreement, before being actually concluded, to be submitted to the Council for final approval.

The Council, having resumed the former motion regarding trespassing Pigs, it was Resolved by a Majority That Article VIII of the present code of regulations of 11th April 1862 be repealed, and in place thereof, it was by the same majority Enacted that, Where any Pig shall go beyond its owner's ground, the owner of the Pig, (over and above his liability for all actual damage by the trespass) shall be fined Ten Shillings; which fine shall be recoverable in the Petty Courts at the suit of the person upon whose ground the trespass has been committed, provided, however, that, in any case, where the pig, trespassing as aforesaid, shall have broken out of its owner's enclosure, without any negligence on his part, and where on being informed of the fact of the Pig being out, the owner has immediately got it shut up again, he shall not be liable for the fine, but only for such damage as the pig shall have actually caused by the trespass.

Hay-cutting.

The Council immediately fixed the 25th of July for the commencement of hay-cutting.

And then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on the 23rd day of January 1868, when the following Councillors were present, viz.:—

William Mactavish Esq., Governor of Rupert's Land, President.

The Rt. Rev. Lord Bishop of Rupert's Land.

The Rt. Rev. Lord Bishop of St. Boniface.

John Black, Recorder.

William Cowan
John Inkster
Solomon Amlin
Thomas Sinclair
Maxim Genton
Henry Fisher
Curtis Bird
James McKay
Thomas Bunn
William Fraser
John Sutherland
William Dease
William Inkster
A. G. B. Bannatyne

} Councillors of Assiniboia.

After the Minutes of the former Council had been read the Governor mentioned that the following gentlemen viz. A.G.B. Bannatyne, Curtis Bird, James McKay, Thomas Bunn, William Frazer, John Sutherland, William Inkster and William Dease Esquires had been appointed members of Council under Commissions which have been already delivered to them. The Clerk of the Council was therefore requested to administer to them the Oath of Office, which he accordingly did in the ordinary form.

With reference to the proposal notice in the former Minutes for erecting a Bridge over the Assiniboine the Governor informed the Council that no further step had been taken in the negotiation with Messrs McKay and Tait, and therefore that the project might be looked upon as abandoned for the present.

The President next mentioned that his principal object in assembling the present Council was to direct their attention to an occurrence which had taken place on Friday last the 17th instant and to request their advice as to what measures it might be best to adopt regarding the same. On the day mentioned, the Sheriff, in the discharge of his duty had proceeded to the store of Dr. Schultz for the purpose of levying upon his goods in execution of a judgment, which had been pronounced against him at the General Quarterly Court in May last, in an action at the instance of Mr. F. E. Kew of London, acting, through his agent, Mr. John Inkster, for this Settlement.

While proceeding with the levy, the Sheriff and his Bailiffs were assaulted by the Deft. and being thus unlawfully disturbed in the performance of his duty, the Sheriff immediately carried the Defendant before Mr. Goulet a Justice of the Peace on a charge of assault. Mr. Goulet, after due investigation committed the Deft. for trial upon the charge of having assaulted the Sheriff in the lawful execution of his duty. But the same night the Defendant was rescued from Prison by a band of about a dozen men, of whom some appear to be known.

The defendant was conveyed by them to his own house and there the President believed he still remained. The substantial question which the President wished to submit to the Council was, what they considered best to be done in the circumstances.

After full deliberation it was proposed by Mr. McKay seconded by Mr. Bannatyne and unanimously carried that the judgment of the General Quarterly Court against Dr. Schultz for balance of a note of hand due F. E. Kew be carried out.

It was further proposed by Mr. A. G. Bannatyne, Seconded by Dr. Bird, and unanimously carried "That one hundred men be immediately sworn in as special Constables to enforce the carrying out of the above resolution and that they or part of them be organized into a permanent force if considered necessary"

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 5th Day of February 1868 at which were pnesent the following Councillors:—

William Mactavish Esq., Governor of Assiniboia, President.

The Rt. Rev. Lord Bishop of Rupert's Land.
The Rt. Rev. Lord Bishop of St. Boniface.
John Black Esq., Recorder.

Dr William Cowan
John Inkster
Henry Fisher
A.G.B. Bannatyne
Curtis Bird
William Inkster
William Frazer
John Sutherland
William Dease
Thomas Bunn
James McKay

} Councillors of Assinboia.

The President referring to the proceedings at last Meeting, —informed the Council, that, from varying causes, of which, as he believed, the principal one was the want of a clear understanding among the people as to the object for which they were to be sworn in as special Constables, and the conditions under which they were to act, there had not been such a response to the first call as had been expected and he therefore wished to ask the advice of Council as to the means to be adopted for more effectively attaining the end in view.

After full deliberation on the subject Dr. Bird proposed and Mr. Bannatyne seconded, the following two resolutions, which were unanimously carried.

1st That an order be issued by the Governor requiring all settlers to act as special Constables; and to be in attendance at the Court House on Monday next the 10th Instant at 12 o'clock to enforce the law.

2nd That the mode of making the order public be, that every Councillor be furnished with a Copy and go round a certain district and take the signatures of those to serve as Special Constables.

The President afterwards brought under notice some correspondence which had recently taken place regarding certain Mules, the alleged property of United States Government, which were said to have been brought into the Settlement by Deserters last year; and in conformity with the suggestions of Her Majesty's Government and the instructions of the Board of Directors of the Hudson's Bay Company, he desired to submit to the Council the expediency of their enacting such a law as that which was recommended.

The Council in general terms expressed their sense of the importance of the subject, as well as of the desirableness of preventing by every means the commission of such offences as those referred to; and with the view of a fuller consideration of the matter, deemed it advisable to postpone the whole subject to another Meeting.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 18th day of May 1868 at which were present the following Councillors, viz.:

Governor Mactavish, President
John Black Esq., Recorder of Assiniboia

Councillors of Assiniboia.
- Thomas Sinclair
- William Cowan, M.D.
- Henry Fisher
- James McKay
- Thomas Bunn
- John Sutherland
- William Fraser
- Solomon Emlin
- A. G. B. Bannatyne
- William Dease.

Referring to the question of a new law for dealing with the cases of deserters from the United States, bringing into and selling in the Settlement property belonging to the United States, the Governor stated that, while, with the Council, he was most desirous of seeing such offenders duly punished and offences of that nature effectually prevented for the future, he yet saw considerable difficulty in the enactment and execution of any special law on the subject; and it therefore appeared to him that, for the present, at all events, those cases must be dealt with under the general law of the country—possibly, in that way an adequate remedy might be found; and, of course, every facility would be given the United States Government for obtaining such redress as the general Law of the Country might be capable of affording. The Council concurred in these views, and the matter dropped.

On the motion of the Bishop of S.t Boniface, seconded by Mr. J. Sutherland, the Council unanimously resolved that the existing Road arrangements as to Sections, Surveyors, and Salaries, be continued for another year.

It was also unanimously resolved to continue, for another year from the end of the current month, the three Town Constables on the same terms.

A Petition was presented from Mr. Hall and others for a road on the South side of the Assiniboine from Sturgeon Creek to Headingly.

Having duly considered the Petition the Council resolved that Mr. Sabine be instructed to make a survey of a two chain road, up to Mr. Lane's post, together with an estimate of the probable expense of making the road; and should the Governor find the estimated cost reasonable, the Council authorise the making of the road.

Mr. Sutherland presented a Petition from the Rev. Mr. Black praying for certain changes in the present Licensing Law with the view of enabling the inhabitants more effectually to check the injurious increase of public-houses; but the Council having already determined, at an early date to take up the consideration of the whole of the existing Liquor Laws with a view to their alteration and improvement, in various respects, the further consideration of the petition was deferred till that time.

In order that all the licenses might fall in at one time, it was resolved that in granting licenses on the 1st of June next, the Magistrates in the several districts shall issue them for only the six months thereafter for one half the present fees.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor & Council of Assiniboia held on the 6th day of August 1868 at which were present the following Councillors, viz:—

William Mactavish Esq., Governor of Assiniboia, President.

The Rt. Rev. The Lord Bishop of St. Boniface,

John Black,
John Sutherland,
Robert McBeath,
Pascal Breland,
Magnus Berston,
Thomas Sinclair,
William Cowan,
James McKay,
J. Curtis Bird,
A. G. B. Bannatyne,

} Councillors.

After the Minutes of last Meeting had been read Mr. Berston took the usual oath as a member of Council.

The Governor then informed the Council that, after, making some enquiry as to the probable expense of making out the road on the South side of the Assiniboine, he had not considered it advisable to proceed with the Survey; and the Council, on hearing the reasons which had led the Governor to take that view of the matter, expressed their approval of the proposed survey being dropped for the present.

A letter was read from Mr. Rollin P. Meade, desiring, on the part of the "Nor Wester," admission to the sittings of the Council; but the Council, after a full discussion of the subject, declined to comply with the application, and authorized the Governor to reply to Mr. Meade accordingly.

The Governor then mentioned that his principal object for the present meeting, was to lay before the Council a communication from Andrew Peterson and certain other residents at Portage La Prairie regarding a recent occurrence there, in which Francis Demarrais was said to have been shot by Alexander McLean, and requesting the Council of Assiniboia to take cognizance of the matter, with a view to the ends of public justice. The Council deemed it important that so serious an affair should be regularly dealt with even although it had taken place at such a distance from the Settlement, and expressed desire that, in order to secure the due administration of justice to all concerned, the requisite investigation should as soon as possible be made into the circumstances by the proper authorities.

A Petiton was read from Mr. Charles Garratt claiming from the Council compensation to the extent of Forty Pounds for the suspension of his Distillery Licence through the action of the Petty Court, Section 1. But the Council, on the motion of Bishop Taché, seconded by Mr. Sinclair, adopted the conclusion that there was not ground sufficient to warrant the granting of such compensation; Mr. McBeath alone dissenting from that resolution.

There was then presented a petition from the Rev. John Black and others praying for certain alterations on the present Liquor Laws; and Mr. Recorder Black presented a similar Petition from the St. Andrew's Parishioners which had been intrusted to him by the Rev. Mr. Gardiner. But the Council having already determined, at an early date to revise these Laws, they deemed it unnecessary to proceed with the discussion of

the various suggestions contained in these Petitions, and therefore reserved the further consideration of them till the proposed revision of the Liquor Laws should be fairly and fully before the Council.

A Petition was read from the Constables for an increase of pay; but the Council, regarding this as a matter with which the Magistrates ought to deal in the first instance, deemed it advisable to refer the Petition to them, and with the view of considering and settling the whole of the Constabulary arrangements for the ensuing year, it was resolved that a meeting of the Magistrates be held at the Court House, on Wednesday the 19th instant at 3 p. m.

The only other matter to which the Governor desired to call the attention of the Council, was that relating to the apprehended scarcity of food in the Settlement next winter owing to the destruction of the Crops by the grasshoppers and the failure of the Buffalo-hunt. The opinion has been pretty generally expressed that for a certain class of the community some form of public relief might be requisite to save them from actual destitution; and the Governor informed the Council that he desired their advice as to how far and in what manner any portion of the public funds should be applied to such a purpose. The Council were unanimous in the expression of the opinion that the present circumstances of the Settlement were such as to call for some effort on the part of the Council to lessen, at all events, although they could not hope wholly to avert, the apprehended difficulty on the score of food next winter. But the subject being deemed too important to admit of possibility of its being disposed of without another Meeting, the Council finally adjourned to Monday next the 10th instant at 11 o'clock for the purpose of giving it the required consideration.

Adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Monday the 10th day of August 1868 at which were present the following Councillors, viz:

William Mactavish, Esq., Governor of Assiniboia, President
The Rt. Rev. The Lord Bishop of St. Boniface
John Black,
William Cowan,
Robert McBeath,

A. G. B. Bannatyne, Councillors of Assiniboia.
James McKay,
Pascal Breland,
John Sutherland,

The special business for which the Council had to-day assembled being the further consideration of the question regarding the apprehended deficiency of food next winter, the subject was at once taken up and there being perfect unanimity of opinion as to the expediency and even necessity of some action on the part of the Council to meet the anticipated scarcity, the following motion, proposed by Mr. Bannatyne and seconded by Mr. McBeath, was unanimously adopted:—

That out of the Public Fund there be appropriated the sum of £1,600, and that the sum be applied in manner following; namely

£600 for Seed Wheat from the United States.
£500 for Flour from " "
£500 for Twine, Hooks and Ammunition.

the said Wheat and the Flour to be disposed of or given out on terms to be hereafter determined by the Council, but the five hundred pounds worth of twine, hooks and ammunition to be distributed at once gratuitously in cases which may be considered to require it, or for some return in the shape of fish or other provisions to be afterwards given out for the relief of the poor. The distribution to be made through the medium of the following, in the proportions marked opposite their names, each distributor keeping an account of his operations and giving orders to the necessitous not for money, but only for the material for nets and for ammunition

The Bishop of St. Boniface	£250. 0. 0.
The Ven Archdeacon McLean	50. 0. 0.
Rev. Mr. Black	50. 0. 0.
Rev. Mr. Gardiner	50. 0. 0.
Ven Archdeacon Cowley	50. 0. 0.
Rev. Mr. Carey	25. 0. 0.
Rev. Mr. Cook	25. 0. 0.
	£500. 0. 0.

A note occurs on the margin,—"When this book came into my possession the foregoing leaf was cut out."

Sedley Blanchard.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held on Monday the 19th day of October 1868 at which were present the following Councillors, viz

William Mactavish, Esq., Governor of Assiniboia, President
The Rt. Rev. The Lord Bishop of St. Boniface
John Black, Recorder
William Cowan,
A. G. B. Bannatyne, Councillors of Assiniboia.
Curtis J. Bird,
William Fraser,
William Dease,

The Governor informed the Council that by the last Mail, he had been advised by Mr. Kittson, that he had procured the Wheat and Flour ordered by the Council. There were 435 Bushels of the former and 285 Barrels of the latter; the flour being already at Abercrombie; and it being expected that by the end of the present month, the Wheat would be delivered at Georgetown. It was therefore for the Council now to determine what was to be done with these supplies, on their arrival in the Settlement; and on the motion of Dr. Bird, seconded by Mr. Dease,

It was unanimously resolved that the Wheat and Flour be handed over to the "Red River Co-Operative Relief Committee" to be dealt with, as they think best for carrying out the object for which these articles were imported.

With the view of soon hereafter submitting for the Council's consideration the draught of revised Licensing Regulations, the Governor desired an expression of their opinion upon the subject; and the Council having entered at some length into the discussion of the prominent points of the licensing system, the further and final consideration of the whole subject was adjourned to the next meeting.

The Governor informed the Council that Mr. John Inkster had tendered his resignation as a Magistrate of the Lower

Petty Court, and had recommended Mr. John Fraser to the favorable consideration of the Council as his successor in that office.

The Council deeming Mr. John Fraser a proper person to fill the office, unanimously appointed him a Member of the Petty Court for the Lower Section with the usual salary.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held November 7th 1868—

PRESENT

Wm. Mactavish, Governor of Rupert's Land, President.
The Right Rev. Lord Bishop of Rupert's Land, Member.
The Right Rev. Lord Bishop of St. Boniface "
John Black, "
A. G. B. Bannatyne, "
James McKay, "
John Sutherland, "
Wm. Fraser, "
Curtis J. Bird, M.D., "
Wm. Cowan, M.D., "

The consideration of the Licensing System having been resumed, the Council unanimously adopted the following Regulations on the subject, namely:

Liquor Licenses.

Excepting Sections XXIII. and XXIV. of the printed local regulations of April 11th 1862, and excepting also the Regulations against the "Intoxicating of Indians" which are hereby declared to be retained in full force, all the existing "Liquor Laws" are hereby repealed; and in place thereofit is enacted as follows, namely:—

Excepting as regards the sale of Spirits, Wine and Beer by Importers or Wholesale Dealers, there shall hereafter be but one description of Liquor Licenses, which shall be issuable but once a year, as hereinafter mentioned and such License shall give the holder permission to manufacture Spirits, Wines and Beer, and to sell the same in any quantity, under the

restrictions contained in the following Schedule, shewing the form in which the License shall be granted.

Liquor Licenses.

A. B. Having paid Ten Pounds is hereby licensed from this date to the first day in December 186—inclusive, to manufacture spirits, wine and beer, and to sell the same in any quantity, under the following restrictions, namely:

1. He shall not sell to any person, between the hours of 10 at night and 6 in the morning—

2. Nor to any person, at any time during Sunday.

3. Nor at any time, to any intoxicated person.

4. Nor shall he at any time, sell to any uncivilized or unsettled Indian, either directly to the Indian, or, knowingly on the part of the Seller, indirectly to another, for the Indian.

5. All Manufacturing and selling shall be confined to the premises for which this License is granted, namely:—(here to follow specification of premises)————The violation of any of these restrictions shall make this License null and void.

C. D.

Red River,
December 1868

Any proved breach of the conditions of the License shall cause the forfeiture of the same, without any right on the holder's part to the restitution of any portion of the License fee—

And, whenever the breach involves also the violation of the laws against the Intoxicating of Indians, the offender besides losing his license, shall be liable to all such penalties as he shall have incurred under the said laws.

But, against any judgement of any Petty Court, ordaining such forfeiture, or imposing such penalties, any aggrieved person may appeal to the next ensuing General Court, on giving security for such penalties (in cases where any are imposed) as well as for the costs of the original action, and also on making the usual deposit of 20/. for entering the appeal—

But when an appeal is made, the Petty Court shall still have the power of suspending the License, till the appeal is disposed of.

Excepting in the case of a person, making Wine or Beer for his own family use and not for barter or sale, any person who

shall manufacture or sell any spirits, wine or Beer, without a License, shall, on conviction before a Petty Court, be liable to a fine, of not less than five, and not more than ten pounds, for each offence; and failing immediate payment of the fine, he shall be liable to imprisonment, for a period of not less than five and not more than ten weeks,—provided, however, that at any time during the period of imprisonment, he shall be entitled to be discharged, on paying his fine.

But from any such conviction before any Petty Court, any aggrieved person may appeal as aforesaid on giving security for the fine and the costs of the original action, besides, making the usual deposit of 20/ for entering the appeal.

On payment of the sum of Ten Pounds, it shall be lawful for the Petty Magistrates in their several Districts assembled, on the first week day in December, but, on no other day throughout the year, to grant Liquor Licenses, according to the foregoing forms.

And every applicant for a License, shall be bound, to lodge his application, with the President of the Bench of the proper District, not later than the 15th day of November; specifying therein the premises for which the License is asked.

And on the first Sunday thereafter, the President shall give public written notice at all the places of Public Worship in his District, and also in any other District in which any of the nearest neighbours reside, mentioning the names of the persons applying for Licenses and specifying their premises, together with the day appointed for disposing of the applications.

But, in the case of any such application, where the granting of a license is objected to, by a majority of the house-holders of the neighbourhood of the house where the License is intended to be used, the Bench, shall have no power to grant the License and such objectors shall at any time, between the date of the Public Notice and the day fixed for disposing of the application, be entitled to intimate their objection, either personally or in writing to the President of the Bench, without however, being bound to assign any reason for their objection.

For the purposes of this regulation, the word "Householder" shall mean the head of a family occupying a separate house, or, if occupying only part of a house, a tenant for not less than a year, and not being the hired servant of any applicant for a license.

And the word "Neighbourhood" shall mean the twelve householders, who irrespective of District, are nearest to the house intended to be Licensed.—

In the case of any application whatsoever for a License, whether it be objected to or not by a majority of the neighbourhood, the Bench shall have full discretionary power to refuse the License, whensoever, on grounds relating to the public interest, they think it would be improper to grant it.

Any person may sue an offender for manufacturing or selling without a License, and shall be entitled to half the fine actually recovered.

Any person may also sue any License-holder for the breach of his License, and where there is a fine besides a forfeiture of License, the prosecutor shall be entitled to half the fine actually recovered.

No Liquor License shall, on any conditions be granted to any person intending to carry on the manufacture or the sale of spirits, wine or beer, on any part of what is known as the "Indian Reserve", at the Indian Settlement.

Wholesale Licenses.

From and after, the first week day in December next, every wholesale dealer in Spirits, Wine and Beer, shall pay £10 a year, and any person selling Spirits, Wine or Beer by Wholesale, without a License in the subjoined form, shall be liable to a penalty of £10 for each offence, to be recoverable in the same way, as the penalties for the breach of the Liquor Laws generally.

By the term "Wholesale Dealer", shall be understood a seller of Spirits or Wine, in quantities at a time of not less than Five Gallons each, and of Beer, in quantities at a time of not less than 8 Gallons.

Such Wholesale Licenses shall be issuable, by the Benches of Petty Magistrates, in their several Districts, on the first week day in December and on no other day, to persons applying to the President, either before or on that day—

But, in every case the Magistrates, shall have full discretionary power, to grant or refuse the Licenses.

Wholesale Licenses.

C. D. having paid £10 is hereby licensed for one year from this date, to sell spirits and wine, in quantities of not less at

a time than Five Gallons each and Beer, in quantities of not less at a time, than Eight Gallons.
Red River, December 1868.

Moved by the Bishop of St. Boniface, Seconded by the Bishop of Rupert's Land, That in Restriction II in the Liquor License, Christmas Day and Good Friday, be added to Sunday, as days on which it shall be unlawful, to sell Spirits, Wine or Beer——

FOR	AGAINST	NEUTRAL.
Mr MacKay	Dr Cowan	Mr. Sutherland
Mr. Black		Mr Fraser
Mr. Bannatyne		Dr. Bird

Wesleyan Marriages.

Gov. Mactavish having informed the Council that an application had been made by the Rev. John Young, Wesleyan Minister, for the authority of the Council to legalize the Marriages celebrated by him,—It was unanimously Resolved, That any legally ordained Wesleyan Minister labouring in the Settlement may validly solemnize Marriages in the District of Assiniboia, and that all registers of Marriages, Baptisms and burials kept by any legally ordained Wesleyan Minister shall be deemed legal and valid records

The Council then adjourned.

W. MACTAVISH.

Minutes of a meeting of the Governor and Council of Assiniboia held December 17th, 1868—

Present: Wm. Mactavish Esq., Gov. of Rupert's Land, President.
The Right Revd. Lord Bishop of St. Boniface, Member.

John Black,	Member
John Sutherland,	"
James McKay,	"
Thos. Sinclair,	"
Wm. Frazer,	"
Wm. Cowan, M.D.,	"
Curtis J. Bird, M.D.,	"
A. G. B. Bannatyne,	"

The Minutes of last Meeting having been read the Council immediately proceeded to business——

Liquor Licenses.

After some discussion as to whether, the additional restrictions proposed in Bishop Tache's amendement, at the last meeting of the Council could be imposed on the License-holders, after the Licenses had been granted; the Council finally agreed that no additional restriction could be justly engrafted on the present Licenses, but, it was suggested that the License-holders might be requested to withhold the sale of Liquor on Christmas and Good Friday next ensuing. The Bishop of St. Boniface then moved the amendment in the following somewhat modified form, seconded by Judge Black, viz.

That, in all Licenses granted in future for the Manufacture and sale of Spirits, wine and beer; instead of the words "Nor to any person at any time during Sunday", the words "Nor to any person, at any time during Sunday, Christmas and Good Friday", shall be used.

For the Amendment	Against	Neutral
Mr. McKay Mr Bannatyne	Dr. Cowan	Mr. Sutherland
Mr Sinclair Mr. Bunn	Dr Bird	
	Mr. Frazer	Motion carried.

Mr Bannatyne was requested to inform the License-holders of the Resolution just carried, and to point out the desirableness of their refraining from selling Liquor on the ensuing Christmas and Good Friday.

Petition.

The following petition from Henry Joachim was then presented by the President,[1]

"To the Govr. and Council of Assiniboia, the petition of the undersigned, humbly sheweth, That, on application to the Magistrates for a License for the sale and manufacture of Spirituous and Malt Liquors at my distillery in the Parish of St. Paul's, I was refused upon the ground that people who were not my near neighbours had objected and without any given reason, and as I have been at considerable expense at

[1] See Document No. 102 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

building and fitting up my place for the manufacture of Spirituous and Malt Liquors, the refusal to grant me license will occasion me great loss. I have kept a distillery and Brewery, and sold liquor and beer for the last nine years and my neighbours have never had occasion to complain of my ever having sold liquor to Indians, or after hours, or to intoxicated people, or in any other way, committed any infraction of the law.

Your petitioner therefore prays that your Honorable Body would revise the action of the Magistrates in the matter, and take such steps as, you, in your judgment may think proper and restore me my License. And your petitioner as in duty bound will ever pray."

(Signed) "HENRY JOACHIM."

The petition having been read, the Council finding that there was nothing in it to shew that the Magistrates of the Petty Court had acted inconsistently with the Local Law in the case, and that apart from any other grounds, they might, and most probably would have used their discretionary power in the matter, to withhold the License, did not feel that it was a case which called for any interference on their part.

Public Relief.

The President next presented the following letter.

HEADINGLY Dec. 12th 1868.

WM. MACTAVISH, Esq.,

Dear Sir,—I have ventured to address a few lines to you in reference to the widows and orphans in this Parish who are now suffering for want of proper clothing. The Council of Assiniboia kindly voted us £25 for fishing and hunting material, but, the poor here could avail themselves of very little of that amount. If you would permit me to give an order on the Company's shop at Fort Garry for warm clothing for the widows and orphans here, you would indeed be conferring a great benefit upon those who have no earthly means of Clothing themselves. Hoping to receive a favorable answer, I remain yours very sincerely,

(Signed) JAMES CARRIE,
Incumbent of Headlingley.[1]

[1]See Document No. 100 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

After the letter had been read, it was moved by Mr. McKay, seconded by Mr. Sutherland and carried unanimously

That, all the unexpended portion of the grant made by the Council on 10th August, for the supply of Nets and Ammunition, be now distributed for the benefit of the poor in the Settlement generally.—

New Magistrates.

It was moved by Mr. Bannatyne and seconded by Dr. Cowan, That Mr. John Bruce be appointed Magistrate for the Middle District Court.

Carried unanimously.

It was moved by Jas. McKay, seconded by Bishop Taché, That Mr. Patrice Breland be appointed Magistrate for the White-horse Plain District Court.

Carried unanimously.

Resignation of Mr. Smith.

Mr. Black informed the Council that he had lately seen Mr. Smith, who had for some time been very ill, and further said that his present state of health was such as to render it exceedingly improbable, that he should ever be able to resume his duties; that, Mr. Smith, feeling strongly impressed with the same idea, had requested him to tender his resignation to the Council. In doing so Mr. Black begged to remind the Council of Mr. Smith's services to the public and of the carefulness and fidelity with which he had always performed his many, and often very arduous duties, stating as his own opinion, that Mr. Smith had strong claims upon the sympathy and consideration of the Council. The Council fully concurring in this opinion, It was moved by Mr. James McKay, seconded by Bishop Taché, and unanimously carried—

That, the Council accept Mr. Smith's resignation, That Mr. Smith's salary shall continue to the end of the current year, namely 31st May 1869; That, from that date until 31st May 1870, he shall receive as a gratuity, the sum of £100 Sterling, and that, from and after 31st May 1870, he shall be paid a yearly pension of £50 Sterling, during the pleasure of the Council.

It was moved by Mr. Fraser, seconded by Mr. Sutherland, and carried unanimously:

That Mr. Thomas Bunn be appointed to succeed Mr. Smith at the annual salary of £100 Sterling.

White Horse Plain District Court.

Mr. James McKay was appointed President, of the White-horse Plain District Court, left vacant by the resignation of Mr. Smith.

Postal.

Mr. Bannatyne asked for a grant of money to cover the expense of carrying the mail to Portage La Prairie. The Council unanimously agreed to pay, the sum of Five Shillings per week for that purpose; and Mr. Bannatyne was authorized to make arrangements with the "Nor Wester Express Stage" or any other party to carry it at the above rate.

His Lordship the Bishop of St. Boniface made an application to the Council for £3 Stg. to fit up a Post Office at the house of Joseph Amlin, St. Norbert, Rivière Salle and the application was granted.

The Council then adjourned.

W. MACTAVISH.

Minutes of a Meeting of the Governor and Council of Assiniboia held December 29th 1868.

Present: William Mactavish Esq, Governor of Assiniboi, President.

The Rt. Revd. Lord Bishop of Rupert's Land, Member.
The Rt. Revd. Lord Bishop of St. Boniface "
Judge Black, "
William Dease, "
Magnus Birsten, "
John Sutherland, "
William Fraser, "
Curtis J. Bird, M.D., "
William Cowan, M.D., "
William Inkster, "
Thomas Bunn, "

Premium on Wolves' Heads.

The Minutes of last Meeting having been read and approved, the President said, that, before proceeding to the special business for which the present meeting was convened, he wished to call the attention of the Council to the local law authorising

the payment of premimus on Wolves' heads; and to observe that, however important and even necessary that law may have been at the time of its enactment, he thought that, very little or, perhaps no advantage at all was derived from it now; and that the time had arrived when it might very properly be repealed.

After the subject had been discussed at some length, it was moved by Dr. Bird, seconded by Mr. Sutherland, and carried unanimously.

That Article XLIX of the local enactments of April 11th 1862 be now repealed, and that, the payment, from the Public funds, of premiums on Wolves' heads be hereafter abolished.

Petition from Portage la Prairie.[1]

The president then stated that his principal object in calling the Council together was, to submit to their consideration a petition from certain parties at Portage La Prairie, which he had lately received, and as the subject, was in his opinion not only a very difficult one to deal with, but also a very important one in its bearing on the interests of the Settlement generally, he had lost no time in laying it before them.

The following petition was then presented by the Gov. and read:—

"To the Honorable Governor and the Council of Assiniboia.
"We the Council of Manitoba respectfully submit for your
"consideration the following petition. In view of the depre-
"dations which have been and are being daily committed upon
"us; and considering the liability that, owing to the scarcity
"of provisions, these depredations will increase as the season
"becomes more severe; and moreover, that, on this day by their
"own confession the Sioux Indians have acknowledged that
"some members of the tribe did commit the last act of which
"we now make mention, viz, That on the night of the 13th
"Dec. an ox was taken from the stable of Messrs Hay and
"Sinclair; driven to a Sioux encampment at, or near Lake
"Manitoba and there butchered. The tracks in the new fallen
"snow were followed to the vicinity of the said camp by some
"of the citizens, when dark overtook them and the trail was
"lost: This makes a certainty of the suspicions heretofore
"entertained against the Sioux that they are the ones who have

(1) Document No. 103 of Documents relating to Council of Assiniboia, Prov. Library, Winnipeg.

"stolen so many cattle from this Settlement and as the citizens "of Portage La Prairie have applied to the Council of Mani- "toba for redress; therefore: This council feeling its inabil- "ity to deal with the matter in a legal manner as these Indians, "most of them at least, are within the jurisdiction of the "Council of Assiniboia and are moreover Indians belonging "to the American Government now appeal to your Honourable "Body for protection or at least assistance in our need, or "hope that you may be able to point out to us some measures "by which we may obtain redress for the wrongs already done "and safety for the future. The citizens here are law-abiding, "and wish not to commit any rash act to prejudice the safety "at all hazards and their own peril if compelled to do so, wish- "ing at the same time to avoid any action which might involve "the rest of the Settlement in difficulty they are willing to "await a short time the action of your honorable body——— "Feeling that the case is one of such moment and one that "requires immediate action we would request that the Council "of Assiniboia answer this petition within the next ten days."

By an order of the Council of Manitoba.

(Signed) F. H. Bird, Clerk.

Portage La Prairie,
Dec. 16th, 1868.

After hearing the petition the Council unanimously expressed their sense of the serious character of the offence charged against the Sioux and of the danger of its frequent repetition; the difficulty of dealing with Indians generally was strongly felt, but not less so the great importance of at once adopting such measures as would not only give satisfaction to the parties at present aggrieved, but be satisfactory and beneficial to the Public generally by exciting in the minds of the Sioux such a fear of the consequences as would deter them from the commission of such depredations in future. After full deliberation upon the whole matter; it was finally and unanimously:

Resolved, That a Magistrate of this District with the Sheriff and twelve Constables, be instructed to proceed to the neighbourhood of High Bluff or Poplar Point for the purpose of there meeting with the parties interested in the punishment of the offence complained of in the petition or, with others from the Portage and thereafter, proceeding in a body to the Sioux Camp to make an investigation into the circumstances of the case and to apprehend the offender or offenders if they can be properly identified.

That, this Resolution be communicated to the petitioners and that, they be requested to fix the time and exact locality at High Bluff or elsewhere for meeting the officers from Red River and inform the Governor of their determination on these points so as to enable him to give the Magistrate and others the requisite orders on the subject.

Administration and Guardianship.

Mr. Black stated that cases occasionally occurred in which it was important for the due protection of the interests of parties concerned in the Estates of Intestates and Minors that, the appointment of Administrators and Guardians should take immediate effect; and submitted to the Council the expediency of their granting the necessary authority for meeting such cases; whereupon the Council on the motion of Mr. Black, seconded by the Bishop of Rupert's Land, unanimously:

Resolved, That, in all such cases as these referred to, the presiding Judge of the Court may make such temporary appointments as he, in his discretion, may deem necessary for the protection of the Interests concerned; but, that the present rule be still maintained requiring a quarter's interval between the time of the application and that of the final issue of the Letters.

The Council then adjourned.

Minutes of a Meeting of the Governor and Council of Assiniboia held Jan. 28th, 1869, at which were present; William Mactavish, Esquire, Governor of Rupert's Land, President; The Right Rev. Lord Bishop of St. Boniface; Judge Black; Messrs. McKay, Bannatyne, Dease, Birston, Sinclair, Cowan, Bird, Bunn, Frazer and Sutherland, Esquires.

Sheriff's Office.

The Minutes of the last Meeting having been read and approved the Govr. stated that he had convened the present Meeting, chiefly, for the purpose of appointing some person to the office of Sheriff. Mr. McKenney having lately resigned, on account, as he had alleged, of the insufficiency of the remuneration. In laying the subject before the Council the Govr. remarked, that Mr. McKenney had always been very efficient and faithful in the discharge of his duties as Sheriff, and had, he believed, given general satisfaction: that considering his

long experience in the office and the tact and ability he had displayed in the discharge of his duties, he thought, that, they could hardly appoint a more suitable and competent person, but that he had good reason to believe that the only condition on which he would resume the office was a considerable increase of salary.

The Council unanimously concurred in the Governor's opinion of Mr. McKenney's efficiency as a Sheriff; and in view of the fact that the duties and responsibilities of the office had increased very considerably of late, it was deemed only just and reasonable that the salary should be proportionably raised. In conformity with this view of the matter and all other circumstances of the case having been carefully considered, it was Resolved on the motion of the Lord Bishop of St. Boniface, seconded by Dr. Bird:

That Mr. Henry McKenney be re-appointed to the Office of Sheriff of Assiniboia and Governor of the Gaol at an annual salary of One Hundred Pounds Sterling.

Petition from Dr. Convenant.

The Governor then presented the following petition from Doctor Convenant, viz:

"To the Govr. and Council of Assiniboia assembled.

"This the petition of the undersigned humbly sheweth, that "he is a practising physician in this Settlement and that your "petitioner is every day more or less called upon by the *poor* "for Medical assistance. And further your petitioner would "humbly state that he is a poor man and cannot afford to give "his medicines for nothing and prayeth that your Honble. "Body would grant a sum of money in such cases for the in- "digent, even only for the medicine alone."

"Your petitioner would most earnestly press this petition "upon the favorable attention of your Honble. Body, feeling "assured of the justice of your petitioner's request."

"And your petitioner as in duty bound will ever pray."

(Signed) DR. CONVENANT. [1]

Red River Settlement.
Dec. 17th, 1868.

[1] Document No. 99 of Documents relating to Council of Assiniboia, Prov. Library, Winnipeg.

The Council finding that Dr. Convenant was very diligent in attending on the sick especally among the very poor, who, in this season of general distress were quite unable to compensate him in any way; unanimously adopted the following resolution, moved by Mr. Sutherland, and seconded by Mr. Dease, viz:

That, in consideration of the peculiar circumstances of the petitioner Dr. Convenant and of his gratuitous attendance upon the poor during this season of general distress, a sum of £20 be granted to him for the purpose of enabling him to procure a further supply of Medicines; but, on the distinct understanding that, in consequence of this gratuity, Dr. Convenant should have on the Council no claim whatever for his trouble in dispensing these medicines or for his attendance on any of his patients, and that the grant is made for this year alone.

The Portage Petition.

The Govr. next informed the Council that he had not yet received any communication from the Portage with regard to the combined movement to the Sioux camp contemplated in a Resolution passed at their last meeting; so that nothing further had been done in the matter.

The Council finding on enquiry that a copy of the Resolution alluded to had been officially sent to the petitioners and that no doubt existed of their having received it, and learning further that the Magistrate and Constables referred to in the said Resolution had held themselves in readiness for six days to do their part in carrying out the terms of the Resolution, felt that all had been done that could, at the present stage of the business be reasonably expected from them and having expressed their surprise at the inaction and indifference of the petitioners, directed Mr. Bunn to communicate the above state of the case to them and dismissed the subject for the present.

The Public Highway.

Mr. John Sutherland called the attention of the Council to a practice which was becoming very common, of persons kindling fires on the Public Highway and thought that something should be done with a view to preventing so dangerous a practice.

The Council quite agreeing with Mr. Sutherland in this matter directed Mr. Bunn to give public notice of the unlaw-

ful character of such a practice and to warn all persons against obstructing the Public Road in any way.

The Council then adjourned.

W. MACTAVISH,
Governor.

Minutes of a Meeting of the Governor and Council of Assiniboia held on the 17th May 1869. Present: John Black, Acting Govr. of Assiniboia, President. The Right Revd. Lord Bishop of Rupert's Land. The Right Revd. Lord Bishop of St. Boniface. Messrs. Bannatyne, Goulet, Frazer, Sutherland, Cowan, Dease, Macbeath, Amlin, Bunn, Esquires.

Bridge Across the Assiniboine.

The Minutes of the last Meeting of Council having been read and approved: Judge Black said that this Council had been called together to-day, chiefly, for the purpose of considering a scheme, which had been lately proposed for constructing some kind of floating Bridge across the Assiniboine at or near the Forks by means of the flat boat or scows in which the seed grain had been brought down from Abercrombie this Spring. He further said that considering the extent of the traffic at the point above referred to, there could be but one opinion as to the desirableness, he might even say the necessity of having some safer and more expeditious mode of crossing than that of the ferry now in use. The plan now proposed had the favourable opinion of a good many persons and perhaps might be a desirable one; but he had himself some doubts about the suitableness of the flat boats for the purpose and foresaw difficulties in the way of removing the whole structure in the fall so as to make it available for future seasons. But, as he did not profess to have much knowledge of such matters and as he felt that the subject was one well worthy of their consideration he had thought it right to invite the attention of the Council to the subject, in the hope of their being able to arrive at some satisfactory and practical conclusion.

The Council generally expressed their sense of the immediate necessity of some kind of Bridge at the point mentioned and were of the opinion that the flat boats might in some way or other be serviceable for that purpose; but, as, from want of sufficient data they could make no correct estimate of the cost

of such a Bridge; It was Resolved on the motion of Bishop Taché, seconded by Mr. MacBeath:

That the following gentlemen, viz, Messrs. Bannatyne, Goulet, Frazer, Sutherland and Dease be appointed a Committee for the purpose of considering generally the question of constructing a floating Bridge across the Assiniboine at or near the "Forks." That if they can arrive at any plan of satisfactorily accomplishing the work the sum of £250 be placed at their disposal to enable them to execute it; and that Mr. Bannatyne be the Convener of the Committee.

Petition from "St. Norbert."

The following petition was then presented by His Lordship the Bishop of St. Boniface.

Saint Norbert 15 Mai 1869.[1]

Au Gouverneur et aux Conseillers D'Assiniboia,
réunis en Conseil.

Messieurs,

Les Pétitionaires sous signés prennent la liberté de soumettre à votre considération l'observation suivante.

Une traverse publique est établie a l'endroit de la Rivière Rouge connue sous le nom de "Chez le Métifs." Cette traverse dans l'humble opinion de vos petitionaires serait beaucoup mieux auprès de l'Eglise de St. Norbert pour les raisons suivantes.

1. Il y a à St. Norbert un Bureau de poste, dont il est necessaire de faciliter l'acces à celui qui transporte les malles.

2. Il y a encore à ce centre, une boutique de Tanneur et une de Tonnelier, les seules du genre dans cette partie du pays, et il serait avantageux aux habitants de la rive et de la Rivière Rouge de pouvoir y arriver plus facilement. De plus les voyageurs qui vont aux Etats Unis ou qui en reviennent, ont souvent besoin de ces branches d'industrie, et l'eloignement de la traverse multiplie difficultés.

3. Ces raisons d'intérêt général sont fortement corroborés par une foule d'intérêts locaux, que nous ne mentionnons pas, parceque nous savons que la traverse n'est pas établie spécialement en faveur des habitants de St. Norbert. Il nous semble nêanmoins que ces intérêts secondaires doivent être prises en

considération pour fixer l'endroit de la traverse, vu que au moins il y a là une ressource qui multipliera les recettes du traversier et le mettre à même de mieux servir les intérêts généraux.

Les Sous-Signés osent donc se flatter que votre Honorable Corps voudra bien prendre leur demande en sa serieuse considération, et donner des ordres, pour que la sus-dite traverse soit placée prés de l'Eglise de St. Norbert.

Et vous petitionaires ne cesseront de prier.

(Signed by) 120 Signatures.

After the petition had been read by the Clerk it was moved by Mr. Frazer, seconded by Mr. Sutherland, and carried unanimously.

That the following gentlemen viz Messrs Goulet, Amlin and Dease be appointed a Committee to enquire into the circumstances of the case and also the condition of the Ferry at "Chez les Metifs" and report to the next meeting of the Council as to the desirableness or otherwise of changing the locality of the said ferry.

Petition from White Horse Plains.

Another petition of which the following is a copy was handed in by his Lordship the Bishop of St. Boniface.

R. R. SETTLEMENT,

April 23rd 1869.

Copy.

To

The Govr. and Council
of Assiniboia.

Gentlemen,—We the undersigned do hereby petition to have a ferry at the point on the river now occupied by Magnus Briston, for the reasons hereinafter stated.

1st. That it will be a crossing for your petitioners & others for the purposes of traffic and travelling to and from the plains and United States.

2nd. That the nearest crossing to Magnus Birston's is nearly twenty miles distant thus causing a great inconvenience to those living in his neighbourhood.

[1] See Document No. 106 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

3rd. That the banks of the river on both sides are thickly populated and the having of such a ferry at such a place as your petitioners herein pray for will make communication more easy for the people living at White Horse Plains on both sides of the River.

4th. That it will be a great convenience to the people living at White Horse Plains to have such a ferry and your petitioners furthermore desire that the said ferry be granted to Magnus Birston at his place for the reasons that it is most central point for all concerned to cross the river at and that we are of the opinion that the said Magnus Birston will faithfully discharge the duties of ferryman to the satisfaction of all parties.

(Signed) ANTOINE DESERLAIS, &c., &c.
49 Signatures.

The petition having been read, it was moved by Bishop Taché, seconded by Dr. Cowan, and carried unanimously,

That a public ferry be established at the point indicated in the petition and that Magnus Birston be appointed to take charge of the said ferry; but that the tariff or rate of charge for crossing shall not exceed as follows, viz.

For carts or light waggons with the animal drawing them: each 3d.

For Double teams: each 5d.

For light horses or other cattle, per head: 1d.

For foot passengers: each ½d.

Petition from Bryan Devlin.

A Petition was presented from Bryan Devlin for compensation for loss sustained by him through the burning of a stack of hay, valued at £5, under circumstances partly detailed in the petition; and the Council taking into consideration the very peculiar nature of the case, unanimously granted the petitioner the sum of Five Pounds in satisfaction of his claim.

Petition for Saloon License.

The following petition for a License was the next business before the Council.

[1] See Document No. 105 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

Town of Winnipeg
Red River Settlement
April 4th 1869.

"Gentlemen,—

We the undersigned petition and request in behalf of Alexander Harkness that a License be granted for the following reasons.

The said Alexander Harkness being disabled and not being qualified for manual labour, having an aged father and desirous of supporting himself does beg leave and humbly presents this memorial or petition to the Hon. Members of the Council for approval under conditions that the Hon. Members grant the said Alex. Harkness a license for a period of (6) six months on trial and if found faithful in abiding to the letter of the law in keeping a respectable house as saloon or tavern keeper, to grant him a further extension in the occupation as Tavern Keeper.

The said Alex. Harkness stated that he legally holds property at St. Boniface (District of Assiniboia) on which property he intends if said petition is granted to erect a suitable house for the convenience of travellers for accommodation &c., and discharge his duties faithfully as a tavern keeper.

Under the conditions and promises we the undersigned affixed now our names, and request that the Hon. Members of the Council grant Alex. Harkness a License under the conditions herein specified."

(Signed) ANDREW HARKNESS,
9 others.

"All these names are the nearest neighbours of the said Alex. Harkness."

The Council finding that the prayer of the petition referred to a matter which had already been placed by them under the jurisdiction of the Petty Courts did not see any special grounds for their interference in the matter.

Complaint of Madam La Malice (Boucher).

Mr. Goulet stated that Madam La Malice had been for a long time complaining that she had been deprived of the use of a great portion of her land by the gradual incursion of the Public Road and the Public Ferry landing opposite to Fort

Garry and that she had never received any compensation for her loss and had requested him to lay the matter before the Council.

The Council finding on enquiry that there really appeared to be some grounds for complaint but not being in possession of such full and precise information on the subject as would be necessary for their finally dealing with it, Resolved

That the fol. gentlemen, viz. Messrs Goulet, Dease, Amlin & Dr. Cowan, be appointed a Committee to enquire into the matter of Madam Boucher's complaint and if possible, to adjust it, on what to them might appear to be fair & reasonable terms.

The Council then adjourned.

J. BLACK,
Act. Gov.

Minutes of a meeting of the Governor and Council of Assiniboia, held 19th October, 1869.

PRESENT: John Black, Esquire, President, the Right Reverend The Lord Bishop of Rupert's Land, Dr. Cowan, Robert McBeath, John Sutherland, William Frazer, William Dease and A. G. B. Bannatyne, Esquires.

Madam Boucher dit Lamalice.

Mr. Black informed the Council, that in consequence, as he was sorry to say, and, as he was sure the whole Council would equally regret to know, of Governor Mactavish's illness, it had become his duty to preside on the occasion; and the Minutes of the last meeting having been read and approved, Dr. Cowan as the Convenor of the Committee appointed to investigate the complaint of Madam Boucher dit Lamalice, informed the Council that, after careful inquiry, they had come to the conclusion that there was fair grounds for the claim put forward by the family of the late Paul Boucher dit Lamalice for compensation, although not such an amount as was pretended, and that the Committee had finally adjusted the matter by agreeing to pay them the sum of Twenty Pounds in satisfaction of all claims arising out of the past, and as compensation moreover, for the right of way over their land, for the purposes of the ferry, up to the close of navigation this season.

The Petition from St. Norbert.

With reference to the petition from St. Norbert presented at the last meeting of Council, Mr. Dease intimated that in consequence of Mr. Amlin's absence, nothing had been done in the matter.

The Bridge Across the Assiniboine.

As Convener of the Committee appointed to consider the question of a floating bridge over the Assiniboine, Mr. Bannatyne informed the Council that, having, soon after their appointment, been led by their enquiries on the subject, to the conclusion, that a suitable bridge of the kind proposed might be put up for the sum to which the Council had restricted them, the Committee had, with as little delay as possible entered into the necessary arrangements for the work, and that early in the Summer, the Bridge had been opened for public traffic and completed at a total charge of about £25 less than the amount to which they had been limited; Mr. Bannatyne further intimated that the pecuniary expenditure upon the work included the price paid for a piece of land on the East side of the Assiniboine, required for a road at that end of the Bridge.

Petition for a Registration Office.

A Petition was presented from certain Merchants and others, inhabitants of the District, setting forth "that the absence of an office for the registration of Instruments in writing Constituting liens upon land and personal property as Mortgages upon real and personal property, Powers of Attorney, Leases, Deeds, Wills, Agreements, as also a variety of other documents usually objects of public record, is" in the opinion of the petitioners "A serious drawback to the interests of the business Community," and praying the Council to establish such an office as that indicated in their petition; But, the Council, while duly appreciating the importance of the object sought by the Petitioners were, at the same time of opinion, that under existing circumstances, it would be inexpedient for them to enter upon the consideration of the question with a view to any practical measure on the subject.

The Late Mr. Smith.

In compliance with the verbally expressed request of the Council at their last Meeting, Mr. Bannatyne submitted a statement of the debts due by the deceased, Mr. Smith, at the time of his death, showing an amount of £63. 1. 2.; and the Council on the Motion of the Bishop of Rupert's Land, Seconded by Mr. Fraser, unanimously Resolved—That with the view of discharging these debts and of assisting Mr. Smith's family, the sum of one hundred pounds be granted for these objects, and that the money be placed under the joint management of Mr. Bannatyne and Dr. Cowan with power to them to expend it in any way that to them may appear to be best for carrying out the wishes of the Council.

Postmaster's Salary.

On the Motion of Dr. Cowan, Seconded by the Bishop of Rupert's Land, the Council unanimously Resolved that the salary of Mr. Bannatyne as Postmaster be increased to Fifty Pounds for the year commencing 1st June 1869.

Address to Governor McDougal.[1]

The President then submitted to the Council a communication which had been addressed to Governor Mactavish by Members of the Council of Assiniboia requesting him to call a Meeting of the Council "For the purpose of drawing up a proper address of welcome to the Honble. W. MacDougal the newly appointed Governor of the Northwest Territory, and of taking the necessary steps for presenting it to him on his arrival here." In the propriety and desirableness of the object of the petition, the Council expressed their hearty concurrence and, with the view of giving expression to their feelings of loyalty on the occasion, His Lordship the Bishop of Rupert's Land submitted the draft of an address which he had prepared. The Council carefully considered the draft in detail, and being of opinion, that the document, as it stood, conveyed a just and appropriate expression of their sentiments adopted it *in toto* as the form of an address to be presented to Governor MacDougal. The following being a copy of the draft to which the Council so agreed.

[1] See Document No. 108 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

May it please Your Excellency.

We the members of the Council of Assiniboia, nominated by the Governor and Committee of the Honorable Hudson's Bay Company desire to welcome your Excellency on your arrival in this country to assume the office of Governor, under the new arrangements to which Her Most Gracious Majesty has given her consent; we would express the hope that you may personally enjoy your residence amongst us and our conviction that your experience as a Statesman, will be of great service to this country at the present juncture.

Your Excellency may rely on receiving from us, individually, as private citizens our best assistance in your administration of the affairs of the Country, and as those, who were formerly accountable, under the Governor appointed by the Honorable Company for the direction of affairs, we venture to assure Your Excellency that you will find the old settlers of this Country, loyal subjects of Her Majesty, obedient to the laws and ready to support Your Excellency in the just administration of them.

We quite feel, that from the altered circumstances of this Country, which has been rapidly changing within the last few years, it is well that its Government has been transferred from the great Commercial body, on which it hitherto devolved; but the administration of the Honorable Company was, we believe, on the whole well suited to the past state of things, and we are not unmindful of many acts of kindness shewn by it from time to time, to the Settlement, as, for example in the past year, when, in addition to a generous vote of money, a large amount of grain was contributed to meet the necessities arising from the great calamity of 1868.

Your Excellency can, then, well understand that there are mingled feelings in our Community with respect to the great change that has taken place, and even misgivings as regards the future in the minds of some; but as we gladly see, in the appointment of Your Excellency a proof of the interest that the Government of the Dominion takes in this land; so we have the fullest confidence, not only that all just rights of the old settlers will be respected, but, that the transition will be made as easy for them as possible.

Hitherto we have been so far removed from any settled community that the outlay, that would have been necessary to open up the Country, rendered the attempt impracticable.

Indeed, we believe that, in the future, there will not only be no surprise that nothing of the kind was attempted, but that it will be recognised as most creditable to the wisdom, discretion and honorable conduct of those who administered the affairs of this Country, that a small defenceless Settlement even existed for many years among wild tribes of Indians without annoyance or trouble from them, and that a profitable trade was carried on without difficulty through the length and breadth of the land.

But, as our isolation is passing away, it will soon be practicable enough to open up the Country to emigrants and to develop its resources, and we feel sure that its union with the Dominion of Canada will greatly promote this result. What the resources of this Country are, it is difficult to say, as they have yet to be accurately examined and reported upon; but we do not doubt that they are great and sufficient to maintain a considerable population.

We would then express the hope that Your Excellency may see a large development of the resources of the Country, while it is under your charge, and we pray that by the guidance and Blessing of God wise measures may be adopted, and peace plenty and prosperity be the result.

Signed in the name of the Council of Assiniboia.

JOHN BLACK.

Letter to Govr. Mactavish.[1]

At the same time, however, in the prospect of the great political change which they believed was at hand and which would necessarily dissolve the connection between them and Governor Mactavish, the Council deemed the present a fitting occasion for placing on record some manifestation of their feelings towards one who had so long and so acceptably presided over their body and the Bishop of Rupert's Land having submitted the draft of a letter to Governor Mactavish of which the following is a copy, the Council adopted the draft and directed that a letter in these terms be addressed to Governor Mactavish by the President in the name of the Council, and be delivered to him along with the address to Governor McDougal.

Dear Governor Mactavish.

[1]See Document No. 110 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

The Council have learned with very deep regret that you are in such a delicate state of health. They venture to express the hope that you will not refuse to yourself such relaxation as may give you the prospect of early recovery.

At the Meeting to-day, the enclosed address to the Governor who is shortly expected in the Settlement was agreed to, and the Council place it in your hands with the request that you will kindly inform His Excellency of its contents and learn from him when and how its presentation may be acceptable.

The Council cannot communicate this address without again expressing their sense of the many acts of kindness which the Country has received from the Honorable Company and they would be glad if you would convey this expression of their feelings to the Governor and Committee.

To yourself personally they would wish to convey their most affectionate regards. Whilst you were looked to by every member of the Council as the most fitted to guide their deliberations, there was no one who less pressed his opinions, or, listened more courteously to any suggestion that was made.

The Council know well how inestimable your services are to the Honorable Company and how devotedly you have given yourself to their business; yet your ear has ever been open and your advice ready for the poorest settler who was in any difficulty.

The Council therefore, while thanking you for all your invariable courtesy when at the head of their board, would express the hope that you may be soon restored to health and that your valuable life may be long spared.

Signed in the name of the Council.

JOHN BLACK.

The Council then adjourned.

Minutes of a Meeting of the Governor and Council of Assiniboia held Oct. 25th 1869.[1]

Present: John Black Esquire, President; The Right Revd. The Lord Bishop of Rupert's Land, Dr. Cowan, Dr. Bird, Messrs. Dease, Sutherland, McBeath, Fraser and Bannatyne, Esquires.

Mr. Black stated that, in consequence, as he very much regretted to say, of Govr. Mactavish's continued illness, he was

[1] See Document No. 109 of Documents relating to Council of Assiniboia, Provincial Library, Winnipeg.

again called upon to preside at the present meeting of the Council.

The Minutes of the last meeting having been read and approved, Mr. Black proceeded to say that, at their last meeting as the Council was aware, an address had been prepared, for the purpose of being presented to the Honble. William MacDougall, on his arrival in the Settlement, an event which was expected to take place at some very early date; that the Council while preparing the address were impressed with the conviction that the feelings of welcome and loyalty therein expressed were concurred in by the Settlement generally, or at least were so far shared by the great majority of the people as to preclude all idea of open demonstrations of dissent, but he was very much concerned now to say, that unhappily such was not the case, and that a large party among the French population appeared to be animated by a very different spirit. It had become too evident that among them sentiments of a directly opposite nature prevailed with regard to the impending change in the Government of the Country, and prevailed so strongly, that, according to information lately received, and of the correctness of which there could be no doubt, they had organized themselves into armed bodies for the purpose of intercepting Govr. MacDougall on the road between this and Pembina with the openly avowed intention of preventing his entrance into the Settlement. It was to consider that serious state of matters that the Council had been assembled, and to see whether any and what measures could be adopted to prevent the threatened outrage.

The Council unanimously expressed their reprobation of the outrageous proceedings referred to by the President; but feeling strongly impressed with the idea that the parties concerned in them must be acting in utter forgetfulness or even perhaps ignorance of the highly criminal character of their actions, and of the very serious consequences they involved; it was thought that by calm reasoning and advice, they might be induced, to abandon their dangerous schemes, before they had irretrievably committed themselves. With this object in view, therefore, Mr. Riel and Mr. Bruce, who were known to hold leading positions in the party opposed to Mr. MacDougall, had been invited to be present at this Meeting of the Council; and on being questioned by the Council, as to the motives and intentions of the party they represented, Mr. Riel, who alone addressed the

Council on the occasion, substantially said in the course of a long, and somewhat irregular discussion; that his party were perfectly satisfied with the present Government and wanted no other; that they objected to any Government coming from Canada without their being consulted in the matter; that they would never admit any Governor, no matter by whom he might be appointed, if not by the Hudson's Bay Company, unless Delegates were previously sent with whom they might negotiate as to the terms and conditions under which they would acknowledge him; that they were uneducated and only half civilized and felt that if a large immigration were to take place they would probably be crowded out of a country which they claimed as their own; that they knew they were in a sense poor and insignificant, but, that it was just because they were aware of this, that they had felt so much at being treated as if they were even more insignificant than they in reality were; that their existence, or, at least their wishes had been entirely ignored; that if Mr. MacDougall were once here most probably the English speaking population would allow him to be installed in office as Governor and then he would be our "Master or King as he says" and that therefore they intended to send him back; that they consider that they are acting not only for their own good, but for the good of the whole Settlement; that they did not feel that they were breaking any law, but, were simply acting in defence of their own liberty; that they did not anticipate any opposition from their English speaking fellow countrymen, and only wished them to join and aid in securing their common rights; that they might be opposed by some Canadian party in the Country, but for that they were quite prepared; and that they were determined to prevent Mr. MacDougall from coming into the Settlement at all hazards.

The Council endeavoured to convince Mr. Riel of the erroneous nature of the views held by himself and the party he represented, explained the highly criminal character of their proceedings, and pointed out the very disastrous consequences which might occur, not only to themselves, but, to the Settlement generally, if they persisted in their present course. He was earnestly advised to exercise his influence with the party in dissuading them from attempting to molest him (Mr. MacDougall) in any way and inducing them to return peacably to their homes; assuring him that sooner or later heavy retribution wou'd fall upon them if they carried their plans into execution.

Mr. Riel, however, refused to adopt the views of the Council and persisted in expressing his determination to oppose Mr. MacDougall's entrance into the Settlement; declining even to press the reasoning and advice of the Council upon his party, although he reluctantly promised to repeat to them what he had just heard and to inform Govr. Mactavish of the result by Thursday at 11 o'clock.

Mr. Riel and Mr. Bruce having retired, the Council resumed the consideration of the subject before them, and the expediency of calling out an armed force to meet and protect Mr. MacDougall was suggested; but as it was seen that it would be from the English speaking part of the Community that such a force if forthcoming at all, would be chiefly drawn, the result would evidently be to bring into armed collision, sections of the people who—although they had hitherto lived together in comparative harmony, yet differed from each other so widely in point of race, of language and religion, as well as general habits, that the commencement of actual hostilities between them would probably involve not only themselves but the surrounding Indians in a sanguinary and protracted struggle; and the Council therefore felt, that without a regular military force to fall back upon they could hardly be held justified, under almost any circumstances in resorting to an experiment so full of possible mischief to the whole country.

The Council at length, having learnt that a number of the more intelligent and influential among the French were not implicated in the hostile movement against Mr. MacDougall, adopted the following Resolution which was moved by Mr. Bannatyne and seconded by Mr. MacBeath, viz.

That, Messrs. Dease and Goulet be appointed to collect immediately as many of the more respectable of the French community as they could and with them proceed to the camp of the party who intend to intercept Gov. MacDougall and endeavour if possible to procure their peaceable dispersion and that Mr. Dease report to Gov. Mactavish on or before Thursday next as to their success or otherwise.

The Council then adjourned.

Minutes of a Meeting of the Governor and Council of Assiniboia, held on the 30th October, 1869 at which the following Members were present:—[1]

John Black, Esq., Acting Governor, President.

[1] Not found in the Minute Book. This has been taken from Sessional Paper No. 12 p. 137. 33 Victoria.

The Rt. Rev'd. the Lord Bishop of Rupert's Land, Councillor.

Dr. Cowan,	Councillor.
A. G. B. Bannatyne, Esq.,	"
Dr. Bird,	"
John Sutherland, Esq.,	"
Wm. Fraser, Esq.,	"

The President referring to the decision they had come to at the last Council as to Mr. Dease proceeding with a number of his countrymen to the locality where were assembled the people who have been threatening to intercept the Honorable Mr. McDougall on his way to the Settlement, informed the Council that Mr. Dease's mission had entirely failed in producing the desired result. Not only had that and every other effort of a conciliatory character proved fruitless in procuring the peaceable dispersion of the assemblage of malcontents, but they appeared to be even more fully bent upon their purpose. In these circumstances, and under the impression that Mr. McDougall had in all probability reached Pembina, the Governor believed that the time had fully come for entering into communication with Mr. McDougall on the subject, and in order that no time might be lost, should the Council see fit to coincide in that view of the matter, the President submitted for consideration the draft of a letter from Governor McTavish in the name of the Council.

After an earnest and careful consideration of the present position of affairs, the Council on the motion of the Bishop of Rupert's Land, seconded by Mr. Sutherland:
Resolved—

That in their opinion, a letter should immediately be sent to Mr. McDougall, in accordance with the draft that had been agreed upon.

(*b*) Letter from Judge Black to Thos. Bunn, Nov. 4, 1869.

St. Paul's
Thursday, 4 Nov. 69

My dear Sir,

Yesterday at the Upper Fort I recd. yr. letter with the draft Minutes and the Court Notices both of which are all right. I shall keep the draft till we meet, which, for various reasons, it might be well if we did soon, say tomorrow or Saturday, if you could come up this length.

I think there is some haziness in the public mind about the actual state of the Licensing law, and I have an idea that it ought to be publicly notified soon,—as soon as possible in fact —say Sunday first, but I cannot settle the point as to what should be done till you shew me the Minute Book or a copy of the last licensing law.

Gov. Mactavish I left in bed but rather better, I am glad to say (when I left him at about 11 to-day) than he was yesterday. The French guard of about 120 were still quietly *guarding* the Fort, as they call it, and were doing no harm to property or person but as to when they may disperse, *that* is a question which will depend, I suppose, upon what they hear of the movements of Pembina. It is a mercy that the situation is not worse and that up to this time no outrage on life or property has been committed.

Yours truly

Thos. Bunn, Esq. J. BLACK.

(*c*) Notice issued by Donald A. Smith to the Councillors of Assiniboia, Sept. 3, 1870.

> The Gentlemen who constituted the Council of Assiniboia are requested to meet at the Hudson's Bay House, Fort Garry, on Tuesday, the 6th inst., at 11 o'clock, a.m.
>
> DON. A. SMITH,
> J. J. Hargrave,
> Secretary.
>
> Hudson's Bay House,
> September 3, 1870.

(*d*) Extract of letter from Lieutenant Governor Archibald to the Secretary of State for the Provinces, Sept, 10, 1870[1].

I arrived here on Friday. The next day I caused to be inserted in the "New Nation," newspaper a notice that I should hold a Levee on Tuesday the 6th instant, at which time my Commission as Lieut. Governor of Manitoba, and my Commission as Lieut. Governor of the North West Territories should be read. It seemed to me desirable as the ceremony of being sworn in had already taken place, that some other equivalent publicity should be given to the facts of my Commissions having been issued, and

[1] Sessional Papers, 34 Victoria [No. 20, p. 10].

the Oaths of Office having been taken, the assemblage of a body of persons at the Levee afforded a good opportunity of doing this, while the presence of Colonel Wolseley and the officers of the expedition enabled me to have it done with some éclat.

The weather, from the time of my arrival up to the date of the Levee, was most unfavourable, there being continuous rain, which, acting on a soil like that of Red River, renders the roads after a few days almost impassable. Notwithstanding, there was a very general turn out.

At the hour named, the Commissions and Oaths of Office were read in the presence of the whole assemblage, immediately after which the Members of the late Council of Assiniboia, through their President, Mr. Donald A. Smith, presented an Address to me, of which and of my answer I send you copies herewith. This Address of the Government that had passed away, to the Government that was coming in, seemed a graceful commencement of the new Regime.

(*e*) Address presented by the Council of Assiniboia to Lieutenant Governor Archibald at the levee held in Fort Garry on the 6th Sept. 1870.

Honorable A. G. Archibald

Lieutenant Governor of Manitobah

May it please your Excellency,

We the members that constituted the late Council of Assiniboia nominated by the Governor and Committee of the Honorable Hudson's Bay Company desire to welcome your Excellency on your arrival in this country to assume the office of Lieutenant Governor.

We would express the hope that you may personally enjoy your residence amongst us, whilst we rejoice to believe from the general approval which your Excellency's appointment has met with, that your services are likely to be of great value to this country at the present delicate and critical juncture.

Your Excellency may rely on receiving from us individually as private citizens, our best assistance in your administration of the affairs of the Country and as those who were formerly accountable, under the Governor appointed by the Honorable Company for the direction of affairs, we venture to assure your Excellency that notwithstanding the events of the past year, you will find the people of this country loyal to her

Majesty, obedient to the Laws, and ready to support your Excellency in the just administration of them.

We look forward to a rapid change in the circumstances of this Province from the opening up of the Country and the development of the resources, and we feel sure that its union with the Dominion of Canada will greatly promote this result. We would therefore express our pleasure at this Union being now happily secured, though we are not unmindful of many acts of kindness shown from time to time by the Honorable Company to this Settlement.

We would then in welcoming your Excellency amongst us, hope that your Excellency may see a large development of the resources of the Country while it is under your charge, and we pray that, by the guidance and blessing of God wise measures may be adopted, and peace plenty and prosperity be the result.

(*f*) Reply of Lt. Gov. Archibald to an Address by the late Council of Assiniboia, Sept. 6, 1870[1].

To the Members of the late Council of Assiniboia,—

Gentlemen,—

I thank you sincerely for your kind welcome. Your assurance that I may, in the administration of the affairs of this country, rely upon the assistance of the gentlemen who constituted the late Council of Assiniboia—an assistance the value of which I do not underrate—gives me encouragement to hope for some measure of success in the Government of the country. Of this at least let me assure you; my whole time and any ability I may possess shall be devoted without reserve to the one object of promoting the best interests of this vast Territory, and I shall endeavor to act in such a way, that the approval, with which, as you have kindly reminded me, my nomination as Governor has been generally met, shall not be found to have been wholly undeserved.

No body of men can have had a better opportunity than yourselves of fairly estimating the feelings of the population, and it gives me very great gratification to receive your confident assurance that, notwithstanding the events to which you allude, you can vouch for the loyalty of the inhabitants of the country, and for their readiness to support a just administration of the laws. With these feelings pervading the body of the population, we may look with sanguine hope to the main-

[1] Sessional Papers, 34 Victoria [No. 20, p. 12.]

tenance of order, to the establishment of good laws, and to a rapidly increasing prosperity.

Your anticipations relative to the change to arise from the opening up of the country and the development of its resources will unquestionably be fulfilled. It is impossible to overrate the advantages which this Territory offers to the Immigrant, and I have not a doubt that population and capital will rapidly flow in where there is such abundance of the elements by which population and capital are always attracted.

Now that the Province has been incorporated with the Dominion it will partake of the prosperity of the older communities. Politically joined to the other Provinces, new routes of communication will soon be opened up. The telegraph system, extended to this place, as it shortly will be, will give you hourly communication with Canada and Europe. The highway and the telegraph will remove the isolation in which you have been hitherto kept by the boundless prairies of the South and the impassable swamps and lakes of the East, and make you part and parcel of the living and moving world.

I must cordially concur in your hopes that, under the guidance and blessing of God, wise measures may be adopted which may be followed by peace, plenty, and prosperity.

The fate of this country is in the hands of its own people. Let wise counsels prevail. Let the people devote themselves to the task of developing their great resources, in a spirit and with an energy worthy of the mighty heritage which has fallen to them, and we may fairly hope for that blessing which a kind Providence seldom withholds from efforts well intentioned and well directed.

(Signed) ADAMS. G. ARCHIBALD.

Fort Garry, Sept 6th, 1870.

NORTHERN DEPARTMENT OF RUPERT'S LAND.

The death of Lord Selkirk in 1820 removed the last obstacle to the union of the Hudson's Bay and the North West Companies. The bitter warfare of the previous decade had wrought cruel havoc among the Red River Settlers, had brought suffering and death to the adherents of both factions, and had threatened with extermination the fur-bearing animals from which alone profit could be hoped for. But with the coalition of the Companies peace had come, and, with the elevation of

young George Simpson to the position of Governor, new life and vigour animated the Fur Trade.

The Instrument that regulated the interests of the contracting Companies was the Deed Poll of March 26, 1821. By it Commissioned Officers or Wintering Partners were chosen from both sides as follows,—

25 Chief Factors,—Thomas Vincent, John Thompson, John Macdonald, James Bird, James Leith, John Haldane, Colin Robertson, Alexander Stewart, James Sutherland, John George McTavish, John Clark, George Keith, John Dugald Cameron, John Charles, John Stuart, Alexander Kennedy, Edward Smith, John McLoughlin, John Davis, James Keith, Joseph Beioley, Angus Bethune, Donald MacKenzie, Alexander Christie, John McBean.

28 Chief Traders,—William McKintosh, Jacob Corrigal, Thomas McMurray, Donald Mackintosh, John Peter Pruden, Allan Macdonnell, James Clouston, Daniel William Harmon, Roderic MacKenzie, John Spencer, Hugh Faries, John Lee Lewis, Andrew Stewart, James McMillan, Angus Cameron, John Warren Dease, William Brown, Simon McGillivray, William Connolly, Robert McVicar, Peter Warren Dease, John McLeod, John Rowand, Joseph Felix La Rocque, Alexander McDonald, Alexander Roderick McLeod, Joseph McGillivray, Roderick Mackenzie.

Under the Deed Poll of 1821 the following Chief Traders were promoted to Chief Factors,—1822 William McKintosh; 1825 William Connolly and John Rowand; 1827 James McMillan; 1828 Allan Macdonnell, John Lee Lewis and Peter Warren Dease; 1830 Roderick MacKenzie; 1832 Duncan Finlayson. The following were promoted from clerkships to the rank of Chief Traders,—1821 Peter Skene Ogden and Samuel Black; 1822 Alexander Fisher; 1827 Cuthbert Cumming; 1828 Francis Heron, John Sievewright, Robert S. Miles, Duncan Finlayson, Colin Campbell, Alexander McTavish, Archibald McDonald; 1829 Robert Cowie, John Edward Harriott, Donald Ross; 1830 Aemilius Simpson and John Work; 1831 William Todd; 1833 James Hargreave and Nicol Finlayson.

The Deed Poll made provision for the apportionment of the annual profits and losses of the fur trade. The first charge on the proceeds was a 5 per cent interest payment on the capital made annually to the proprietors. Of the net profits and losses 60 per cent was reserved to the proprietors, the balance went to the wintering partners. The share for the gentlemen

in the interior was subdivided into 85 equal parts, of which two went to each Chief Factor and one to each Chief Trader. In the period of 1821-1833 only, the outfit (the year's transactions) of 1821 showed a loss, which amounted to £196.7.1. per individual share. The average gain was an annual profit of £393.8.4. per share. Under the Deed Poll of 1821 the partners were granted one year in every seven as furlough. On retirement, Chief Factors and Chief Traders became entitled to full profits according to their rank for one year, and half profits for a period of six years.

A second Deed Poll was executed on June 6, 1834. The same rate of remuneration was continued to the wintering partners, and provision was made to meet any possible deficit without charging it to any individual wintering partner. This Deed Poll continued in operation till Dec. 14, 1871 when it was superseded by another in consequence of the reorganization brought about by the transfer of the Company's Territories to the Dominion of Canada.

The Minutes which follow cover the period 1830-1843. During the period 1834-1843 the following promotions were made,—9 Chief Factors,—1834 Peter Skene Ogden; 1836 John Peter Pruden and Alexander R. McLeod; 1838 Hugh Faries, Angus Cameron and Samuel Black; 1840 Donald Ross and James Douglas; 1842 Archibald McDonald.

23 Chief Traders,—Richard Hardisty, John McLeod Jr., Murdoch McPherson and John Tod; 1835 James Douglas, Thomas Fraser, George Gladman, and Richard Grant; 1838 Donald Manson and William Nourse; 1840 Thomas Simpson, William H. McNeil, Peter C. Pambrun and George Barnston; 1841 John Bell, Thomas Corcoran, Alexander Simpson and John McLean; 1842 William G. Rae, John Swanston, Francis Ermatinger and Charles Ross; 1843 John M. Yale.

After the coalition of the Companies in 1821 the Territories of the new Hudson's Bay Company were organised into 4 Departments,—that of Montreal, the Southern, the Western and the Northern. Montreal had oversight of all business in the Canadas, including the King's Posts and subsequently a portion of Labrador. The Southern embraced part of the shore east of Hudson Bay, and the entire territory between James Bay and the Department of Montreal. The Western included the district west of the Rocky Mountains. The Northern was the largest and most important of all. It embraced the vast region between the Bay and the Mountains, and between the United States and the Arctic Ocean.

The great Fur Councils were constituted of all Chief Factors and certain Chief Traders. The Chief Factors attended *ex officio*. A Chief Trader in charge of a district was required to attend, and any Chief Trader besides who happened to be at hand was invited, and when so attending had the same right of discussing and voting as the Chief Factors, except in voting for the promotion of a clerk to a Chief Tradership or a Chief Trader to a Chief Factorship. The Northern Council met at York Factory, Norway House or at the Red River Settlement. According to Chief Factor Roderick Macfarlane Sir George Simpson presided at 6 Councils at York Factory, 12 at the Red River and 17 at Norway House. The purpose of the Councils was, as the Minutes avow, " to establish such Rules and Regulations as may be considered expedient for conducting the business of said Department and in order to investigate the result of the trade of the previous year and to determine the Outfits and general arrangements for the trade of the current year conformably to the provisions of the Deed Poll of 1821".

The following table indicates the date, the place of meeting and the membership of the various Councils during the period, 1830-1843,—

Date.	Place.	President.	Chief Factors Present.	Chief Traders Present.
July 3-7, 1830.....	York Factory.....	George Simpson.....	Colin Robertson, Alexander Stewart, John Clarke, John D. Cameron, John Charles, John Stuart, Alexander Christie, William McKintosh, John Rowand, P. W. Dease, John Lee Lewis, Roderick McKenzie.	Duncan Finlayson, Robert Miles, John E. Harrriott } by invitation.
June 29-Jul. 4, 1831	York Factory.....	George Simpson.....	Colin Robertson, Alexander Stewart. John D. Cameron, John Charles, John Stuart, Alexander Christie, William McKintosh, William Conolly, John Rowand, Rod. K. McKenzie, Duncan Finlayson, John Lee Lewis.	John McLeod, A. R. McLeod, Robert Miles } by invitation.
July 9-16, 1832....	York Factory.....	George Simpson.....	John D. Cameron, John Stuart, Alexander Christie, William McKintosh, John Lee Lewis, Roderick McKenzie and Colin Robertson (who arrived after 78 resolutions had been passed).	Francis Heron, Rob. Miles, John E. Harriott, Robert Cowie, William Todd.
June 1-5, 8, 1832..	Red River Settlement (*)	George Simpson.....	J. D. Cameron, Alexander Christie, Jas. McMillan and Donald McKenzie (who was present only on June 8).	
June 3 seq., 1835..	Red River Settlement...	George Simpson.....	J. D. Cameron, John Charles, Alexander Christie, William McKintosh, John Rowand, John Lee Lewis, Duncan Finlayson.	J. P. Pruden, Fras. Heron, James Douglas } by invitation.
June 21-24, 1836...	Norway House.....	George Simpson.....	John Charles, John Rowand, Allan McDonell, Peter W. Dease.	Donald Ross, William Todd, Richard Grant.

Date.	Place.	President.	Chief Factors Present.	Chief Traders Present.
June 27 seq. 1837..	Norway House.....	George Simpson. ...	John Charles, John Rowand, Allan McDonell, John Lee Lewis, Roderick McKenzie, Duncan Finlayson.	Donald Ross William Todd James Hargrave } by invitation.
June 6-12, 1839....	Red River Settlement...	George Simpson.....	John Charles, John McLoughlin, Alexander Christie, John Rowand, Allan McDonell, Duncan Finlayson.	Donald Ross William Todd James Hargrave } by invitation.
June 13 seq. 1840..	Norway House.....	Dun. Finlayson, C.F.	John Charles, John Rowand, Peter W. Dease, Roderick McKenzie, Donald Ross.	Alexander Fisher, William Todd, Donald Manson.
June 14 seq. 1841..	Red River Settlement...	Sir George Simpson.	John Rowand, Allan McDonald, Duncan Finlayson, Donald Ross.	William Todd, Nicol Finlayson, George Gladman.
June 21 seq. 1842..	Norway House.....	Dun. Finlayson, C.F.	Roderick McKenzie, Donald Ross.	J. E. Harriott, William Todd, George Gladman.
June 10-19, 1843...	Red River Settlement...	Sir George Simpson.	John R. Rowand, Duncan Finlayson, Donald Ross.	William Todd, Nicol Finlayson.

(*) Held here owing to indisposition of Governor Simpson.

The Minutes of the Council take us right to the heart of the organisation of the Fur Trade. That small group of men meeting at York Factory, Norway House and Red River Settlement, exercised rule over a domain that for size dwarfs by comparison some of the proudest kingdoms of the earth. Their chief interest, but by no means their sole responsibility, was the profit to be gained from skins. The Standing Rules and Regulations controlled the tariff for advances throughout the Department, the condition and remuneration of clerks and servants; imposed restrictions on the actions of the commissioned gentlemen; fixed the price for country produce; adjusted the cost of freight; regulated the treatment of Indians, the lading of crafts, and the nursing of the country with a view to the preservation of beaver. They contained also regulations which necessitated the keeping of a journal of occurrences at the various Forts, which safeguarded the proper treatment of women and children, and which sought the moral and religious improvement of the Indians and the families attached to the different establishments.

The first resolutions at each Council had reference to the rotation of furloughs and the granting of leave of absence. The appointment of Chief Factors and Chief Traders to the various districts, the adoption of measures for the transportation of goods, for regulating the size of outfits, for providing passages from one point to another, for forwarding letters, for saving the beaver, for extending the trade, for prosecuting discoveries, for determining price lists for valuing returns of trade, for withdrawing the Indians from the American establishments, for fixing the rate at which the dollar would exchange at the Red River, all these are typical of the legislative activity of the Fur Council.

Among the special features of the Minutes during the period 1830-1843 may be mentioned the Russian Agreement of February 6, 1839, a Scheme for a Benefit Fund of 1840, Resolutions outlining the definite relations in which the Wesleyan Missionaries were placed, the attitude of the Company towards the diffusion of Christianity and civilisation among the natives, Instructions for preparing Caviare, and the appointment of the Governor of Assiniboia. The grant of money and douceurs to the Roman Catholic and Protestant Missions at Red River, the encouragement shown to education, the attitude to retired servants who settled at the Red River, the assistance shown to Captain Back's expedition, the policy re-

garding the experimental farm at Red River and agriculture in general, the payment of services rendered by medical practitioners at Red River, are characteristic items of the Minutes.

The work of the Council was admirably summarized by the Right Hon. E. Ellice, M.P. in his evidence before the Select Committee of the House of Commons on June 23, 1857,—

"A Council is composed, in the interior, of the Chief Factors, the higher class, which meets every year. It has met at different places but it meets generally at the Red River. The trade is directed, first of all, by the Board of Directors at home, but, like the East India Company, they have their Council in the interior, which regulates the local concerns of the Company. That Council, which meets every year, takes into consideration the accounts of the preceding year, audits those accounts, sends orders home for the goods required for the ensuing year's trade, stations the various servants of the Company at such posts as the Council may think they are best qualified to occupy, and if vacancies occur in the service, recommends to the directors at home the fit persons then being in the service to succeed to those vacancies. So that, in fact, the whole affairs of the Company, so far as the fur trade is concerned, are conducted by that Council, subject to the control and superintendence of the Board of Directors at home..... The Council consists of as many as can conveniently assemble, who act for the whole body.... All appointments are made by the Government at home; the Council only recommend..... They have no power, except with the consent and concurrence of the Board at home."

Introductory Remarks upon the Minutes of the Council of the Northern Department of Rupert's Land, 1830 *to* 1843, *supplementary to those of Professor Oliver, by Isaac Cowie, formerly a Commissioned Official of the Hudson's Bay Company.*

The very beginning of government under the Royal Charter of the Hudson's Bay Company was in the appointment of Governors and Councils for each principal establishment or factory on the coast of Hudson's Bay. There were Governors and Councils at Churchill, York, Albany and Moose Forts, composed of the officer-in-charge as Governor, with his

second in command and the surgeon as Councillors, so as to fulfil the legal requirements of the charter for the exercise of legislative, administrative and judicial powers. These local Councils were independent of each other, and subject only to the Governor and Committee in London, although expected to act together in the common interest, and did so act when personal rivalry did not interfere. For the bond of union as "wintering partners" of the company did not then exist between these "Chiefs of Forts" and "Masters of Houses" (which were the early official designations), these being paid by salaries with a bonus on the trade of their individual posts only, and not on the whole profits made on the Bay. From these beginnings the subsequent Councils of the Northern and Southern Departments of Ruperts Land were evolved.

The data contained in these minutes furnish a skeleton history, during that important period, of those parts of the old "Hudson's Bay Territories," held under both Royal Charter and License, in the countries now comprising New Ontario, the three Prairie Provinces, the North West and Yukon Territories, and the Province of British Columbia, besides throwing light upon the operations of the Company in Russian America and in the States of Washington, Oregon and California, also in the Sandwich Islands.

The main purpose of these annual meetings was to receive reports upon the operations of the previous year and to make arrangements for carrying on trade during the next, and, often, for many future years. Following the waterways, the chief means of communication in a country so favoured by nature in that respect, and, when these were interrupted, the lines of least resistance overland, pointed out by the tracks of wild animals and the trails and portages of the Indians, they solved the greatest problem set before them and their chief difficulty, in a land of magnificent distances, by means of the birch bark canoe, the "inland" boat, and the main strength and skill of the voyageurs who manned them. The feats performed by these men in the battle with the wilderness and in the fight against immense distances have never been surpassed if ever equalled. And the wise men who sat in Council and planned these campaigns in transportation so admirably a year or years in advance, so that "brigades" starting from places as far apart as the lower Mackenzie River and from Red River District; and others from Fort Vancouver, at the mouth o fthe Columbia, and from York Factory on Hudson's Bay, were so

nicely timed to meet at fixed points and exchange freight and passengers that they rarely failed to connect on schedule time. And this in a time when swift mail and telegraphic communication did not exist.

The same wise foresight which regulated their system of transportation was displayed in every other detail of their business as traders. The interests of the fur trade were paramount, indeed fur was the only exportable product of the country before the railway age, and affected the life of every one in the Territories, including the settlers upon the Red River. There Thomas, fifth Earl of Selkirk, had made an attempt to found a colony, in opposition alike to the opinions of his enemies of the North West Company and of his friends of the Hudson's Bay. But, upon the cessation of hostilities between these rivals, when they became a united company, the old plan of the North Westers to form a settlement on the Rainy River for their retired servants (from which possibly may have originated Selkirk's subsequent colonizing idea) was carried out on the Red River, where their supernumeraries and those of the Hudson's Bay Company came to the number of 1,500, far exceeding all the settlers ever brought "under the auspices of the Earl of Selkirk." Hence Sir George Simpson, in his journey round the world, states that the real settlement on the Red River began in 1821, when the union of the Companies led to the disbandment of their forces, many of these retired to become settlers on the Red River, provided with means to start and experience in the country, including, in many cases, that gained by raising crops at the trading posts, where these were necessary to eke out the uncertain produce of the chase and fishery.

It was only natural that a settlement composed chiefly of men who had served with them as companions in the wilds should be viewed with favour by the Councillors of Rupert's Land, many of whom contemplated spending the evening of their days, with their native children, surrounded by the comforts and conveniences afforded at Red River; where, moreover, the company's employees were each entitled "for past services," to receive free grants of land out of the one-tenth reserved for that purpose in the original grant to Selkirk. Consequently the Minutes record from time to time the grant of money and allowances of imported "luxuries" (as they were called in that time of expensive and difficult transportation), consisting of tea, sugar, rice, raisins, wines and liquors,

to the Missionaries in the Colony; funds in aid of public works; and the establishment of experimental farms, for which fine live stock was imported.

Besides being a convention on the business of the fur trade, the Governor and Council of the Northern Department of Rupert's Land (which exercised control over the minor Councils of the Southern and Montreal Departments—in what are now the Provinces of Ontario and Quebec—as well as those of Columbia and New Caledonia beyond the Rocky Mountains) had, under the Royal Charter, power to make laws and act in a judicial capacity for and in the chartered territories. In these the only other legislative and executive Council was that of the Municipality of Assiniboia, which was composed of that portion of the great District of Assiniboia, granted to Lord Selkirk, extending fifty miles from the Forks down by the Red and up along the Red and Assiniboine Rivers, and two miles back on each side of these rivers.

In its legislative capacity the Northern Department Council was supreme over that of Assiniboia, whose enactments were on occasion disallowed by it, in fact the two councils stood in nearly similar relations as do the Dominion Parliament and Provincial Legislatures to-day. When the Governor of Rupert's Land was present the Governor of Assiniboia left the chair and became one of the Council. When a Chief Factor from another part of the territories visited Red River he, as a Councillor of Rupert's Land, took a seat by right as such in the Council of Assiniboia; but a Councillor of Assiniboia had no seat or right in the Council of Rupert's Land.

During the early period when the Governors of Assiniboia were the nominees and agents of Selkirk, but appointed as Governors by the Company under their charter, much friction arose between such Governors and the Chief Factors and Councillors of Rupert's Land who were in command of the fur trading "Red River District." But, afterwards, when the officer in charge of the "Red River District" became ex officio the Governor of Assiniboia also, this source of trouble ceased, and no Council of Assiniboia so presided over was likely to enact any regulation which the Governor knew would be objected to by the Council of the Northern Department of Rupert's Land, or the Governor and Committee in London. On this limitation reference may be made to the "Report of the Law Amendment Committee" submitted to the Council of Assiniboia by Recorder Thom in May, 1851, which says:—

"Our local legislature owes allegiance to the Governor and Council of Rupert's Land . . . and has no right to control any one of the Company's chartered powers."

To review or even briefly summarize all the acts of the Council of the Northern Department would require space not available in this publication. But from a rough general index the following headings to subjects of probable interest to the reader and student are taken;—From Standing Rules and Regulations—Sale Tariff of Merchandise, Buffalo Robes and Leather to Settlers. Freight rates to and from York Factory. Freight and Passenger Rates on Ocean—to and from Hudson's Bay and Fort Vancouver (at end of series of Minutes). In the Minutes of each year will be found money grants for Red River gaol and police; to surgeons, surveyors, schools and clergymen; orders for colonial produce required by the Fur Trade, and prices to be paid therefore; regulation re imports by settlers from England; engagement and wages of boatmen; freight rates by Company's boats; employment of boats owned by settlers to freight to and from York Factory; the employment of Indians from outside the settlement to man such contractors' boat prohibited; and the establishment of Lower Fort Garry, the post at Portage La Prairie, and the Experimental Farms presided over by Chief Factor McMillan and Captain Cary.

Outside of the colony, grants were given to Wesleyan Missions at York Factory, Norway House and Edmonton, and to the Roman Catholic mission on the Columbia. The making of a winter road, between the head of the tracking ground on Hayes' River and Norway House, was persisted in for several years, but was finally abandoned as more expensive than boating. Besides the regular mails by annual ship, summer brigades and winter expresses, one to Canada by Fort William and Sault Ste Marie, and another to St. Peters (near St. Paul, Min.) were established. The sale of spirituous liquors to Indians was prohibited throughout the country, except at points where the fur trade was exposed to competition with American spirit dealers. Resolutions were yearly passed, confirming the Standing Rule for the preservation of the beaver, and limiting the output of their skins from depleted districts. The Indians were to be compensated for abstaining from hunting these animals. By Standing Rule No. 38 the Company's employees were enjoined always to treat the Indians with kindness and humanity, and to invite them to attend the Sunday services, which the commandant of each post was directed to read by

Rule No. 1. Annual lists of the Indians attached to each post were to be sent to headquarters, and a General Census was taken in 1837.

The period covered by these Minutes was characterized by a notable spirit of enterprise in seeking new fields for trade. Besides assisting the Arctic Expedition of Captain Back for the Admiralty, the Company sent an expedition of its own under Chief Factor Peter Warren Dease and Chief Trader Thomas Simpson, which successfully outlined the great gap between the eastern and western surveys of the Arctic Coast made by previous British expeditions. John Bell crossed the Rocky Mountains from Peel's River, near the mouth of the Mackenzie, and, descending the Porcupine to its junction with the Yukon River, there established Fort Yukon. Meanwhile John McLeod had ascended the head waters of the Liard and passed through the Rockies; and Postmaster Robert Campbell volunteered to carry on and extend the discoveries in the same direction, which later carried him on down to Fort Yukon, and won for him the name of "The Livingstone of the North West."

To Labrador an expedition was sent from Moose Factory which discovered a canoe route to Ungava Bay, where Fort Chimo was established, and became a post supplied by ocean vessels.

Great performances, of which note is found in the Minutes, were those undertaken in and from the Columbia Department. A ship was built at Fort Vancouver in 1830, the first steamboat on the Pacific, the "Beaver," came out under sail in 1836, and, armed and manned like a ship of war, carried on the trade on board with the fierce and treacherous Indians of the coast, while also freighting supplies to the regular posts there established. A treaty was made with the Russians for the lease of a strip of their coast line, on which the company established posts, and for which the rent was paid in land otters, collected from the Northern and Southern Departments and sent annually to the Columbia with the brigades of recruits for the service who had come, by York Factory, from Scotland during the previous year. The Russian treaty demanded, besides otters, large supplies of flour and other agricultural produce, which were raised on the extensive farms at Fort Vancouver. This demand led to the formation of the subsidiary company known as "The Puget Sound Agricultural Company," of which the company's officers were the individual stockholders.

In the year 1839 establishments were formed in the Sandwich Islands and in California, where the Company had a large farm near the site of San Francisco. The Minutes later direct that Chief Factor Douglas (afterwards the celebrated Sir James Douglas) be sent to select a site for a new establishment on the Straits of De Fuca, which is now become the City of Victoria.

One of the most interesting features of the Minutes to their descendants and other friends living in the North West is the names, ranks, movements and emoluments of the Company's Chief Factors, Chief Traders, Clerks and Postmasters given from year to year. These are all of historical, and occasionally of legal value.

The Company's activities covered a wide range of subjects, from meteorological observations and zoological collections for the British Museum, to general banking and receiving employees' savings on deposit at interest. But it is impossible within the allotted space to do justice to all the subjects mentioned in the Minutes; neither is it possible for one who has not derived his knowledge from other sources to read between the lines of the resolutions for the causes of which the resolutions were the result.

Each Council was opened with the reading of the General Letter of the Governor, Deputy Governor and Committee (who subscribed themselves as "Your affectionate Friends") to their trusty and well beloved partners in the Fur Trade—the Chief Factors and Chief Traders. In the absence of copies of these letters and of the reports made annually to the Council by each officer in charge of a district, it is impossible to fully understand the resultant resolutions of this Council. All such documents are still kept private by the Company, although the time is long past when their publication could do any harm to their trade by divulging its secrets. Indeed, judging from the highly creditable exposure made by these Minutes of their mode of doing business and the laudable interest taken in the general well-being of their Territories, the publication of these well preserved records would only redound to the credit of the Company's rule and to the confusion of their detractors. For it must be noted that the Minutes here for the first time published, were never intended when they were recorded for the eyes of the outside public, although each district and commissioned officer was entitled to a copy for their use and guidance. Few of the

Chief Factors and Chief Traders, however, took precautions for the preservation of their copies, and we are indebted for these important revelations to the care of an exception to this rule, who handed them down to his children, who unlike too many others into whose hands such documents have fallen, have carefully preserved them.

But they cover only a limited, though glorious, period in the history of that great company, whose officers and men in North America, serving with conspicuous "courage and fidelity," succeeded by their effective occupation of the territories in preserving them for the British Crown until their union with Canada.

Will the Company supply the remaining Minutes from 1821 to 1872?

ISAAC COWIE.

Ottawa, 6th March, 1913.

Minutes of the Hudson's Bay Company's Council of the Northern Department of Rupert's Land, 1830 to 1843, with extracts from Council of 1822 prefixed.

Extracts from Minutes of Council of 1822, from the "Bulger Correspondence," vol. 2, page 245 et seq., in the Dominion Archives:—"Minutes of a Temporary Council held at York Factory, Northern Department of Rupert's Land, the Twentieth Day of August, 1822.

PRESENT

John Halkett, President.
George Simpson, Governor.
Colin Robertson, Chief Factor.
John Geo. McTavish, Chief Factor.
James Keith, Chief Factor.
John Spencer, Chief Trader.

Mr. Halkett laid before the Council a Commission, under the seal of the Hudson's Bay Company, authorizing him to preside at such Councils during the time he remained in the Company's Territories.

Regulations for the Government of Rupert's Land.

Mr. Halkett then submitted a copy of "Resolutions passed at a General Court of the Hudson's Bay Company the 29th May, 1822," and a letter from Lord Bathurst (Colonial Secre-

tary) to Mr. Joseph Berens (Governor of the Company), 30th May, 1822, sanctioning the Resolutions, all of which are quoted in full in the Minutes of Assiniboia on a preceding page.

The Council proceeded to "Resolve 1st That copies of these Documents be immediately prepared and forwarded as far as may be now practicable to the several Chief Factors for their information."

Plan for Settling Veteran Fur Trade Servants and Halfbreed Families in Red River Colony.

Mr. Halkett laid before the Council dispatches from the Governor and Committee to Governor Simpson, dated respectively 27th Feb., 8th and 27th March, 1822, and stated that they were on "an important subject upon which they appear to be extremely anxious." As the despatches of 27th Feb. and 8th March are of the same tenor on the subject, only the extracts here following are given:—

Letter of the 27th Feby., 1822, Para. 45: "It has become a matter of serious importance to determine on the most proper measures to be adopted with regard to the men who have large families and who must be discharged, and with the numerous halfbreed children whose parents have died or deserted them. These people form a burden which cannot be got rid of without expense, and, if allowed to remain in their present condition, they will become dangerous to the Peace of the Country and safety of the Trading Posts. It will therefore be both prudent and economical to incur some expense in placing these people where they may maintain themselves and be civilized and instructed in Religion.

"We consider that all these people ought to be removed to Red River, where the Catholics will naturally fall under the Roman Catholic Mission which is established there, and the Protestants and such Orphan Children as fall to be maintained and clothed by the Company may be placed under the Protestant Establishment and Schools under the Rev. Mr. West.

"The Church Missionary Society have voted large sums for the provision of two Clergymen and a School Master and Mistress for the instruction of Indian Children, and allow other Children to be educated in the School on payment of a moderate fee.

"It would be improper and dangerous to remove or allow large bodies to go to Red River without appointing some proper intelligent Chief Factor or Chief Trader and superintend them and control in some degree their conduct for the First Year—and it will be necessary to provide some assistance for those people in the way of ammunition and clothing.

"We wish this subject to be considered by the Gentlemen who may attend Council, and in another Despatch we hope to be able to send a Sketch of the proper plan of proceeding in the matter."

An Industrial School for Orphans.

Letter of the 8th March, 1822:

"Para. 7. Small allottments of 20 or 25 acres of land will be made for men with families, and a General Establishment under the plan of a School of Industry will have to be formed for the Orphan children. But it will be necessary that some assistance should be given to the men with families in clothing, tools, seeds and ammunition to enable them to build houses and settle themselves on the land and maintain their families until they can reap a crop. It is not to be expected that the men will do this themselves, and the Managers of the Settlement will not consent to a large population of this kind being thrown on them unless they are properly provided for and under some efficient management and control. It is necessary therefore that this measure should be carried into execution under a proper system, but, as we are confident that it will be the most economical in the end, we think, the money it will cost will be well spent."

The dispatch, after again ordering the appointment of a proper superintendent, says, "The heads of families ought to come under a written engagement to obey the directions of the Gentleman (superintending) in consideration of which they will be entitled to the above assistance and to these allotments of land."

"Para. 8. With respect to the Orphan children there will be some expense at first in erecting buildings, &c. But if the elder Boys are employed in cultivation, and the girls and younger children at other works of industry, the expense will not be very considerable and their Religious Instruction and Education may be carried on at the same time. As the children grow up they may be apprenticed to the Respectable

Settlers, who will afterwards support them in consideration of their labour for the term of their apprenticeship."

"Mr. West and his assistants will take charge of this part of the plan."

Letter of the 27th March, 1822:—

Para. 21. With reference to the 45th paragraph of our letter of 27th Feby., we enclose a copy of a letter which we have addressed to the Reverend Mr. West and a copy of a letter going more into details addressed to him by Mr. Harrison, the directions contained in which we confirm, and have to request the attention of the Council to this important subject. We shall expect a report when this and any further measures for the promotion of this object which the Council may suggest."

The council then passed a series of Resolutions to carry out the directions of the London Committee, directing Chief Factor Clarke to consult with Governor Bulger, to commence the necessary buildings, and to request the co-operation of the Rev. Mr. West, and also authorising an expenditure of £300 for the first year and the employment of as many of the Company's servants as could be spared for the erection of buildings. The allotments to be 25 to 30 acres in the neighbourhood of Image Plain.

Fort at Pembina to be Abandoned.

The Council next considered the state of the fort at Pembina, and because of its need of repairs, of reinforcements to protect it against the Sioux and other hostiles, and the heavy expense of its maintenance, compared with its trade returns, it was decided to abandon it entirely.

Orders to Suppress "Free Traders."

It was also resolved "That Mr. Clarke be directed to exert himself to the utmost in putting an immediate and complete stop to the Petty Traders from Canada or from the United States, who have for some time past been carrying on an unauthorized Traffic in Furs upon the Red River with the Indians and other persons within the Company's Territories," and that, as the Council are of opinion that the late unfortunate murders perpetrated by the Sioux Indians in that quarter have in a great measure originated from the connection which appears to have existed between the bands and some of the Traders

alluded to, Mr. Clarke be instructed to have immediate recourse, when necessary, to those Measures which in this respect and especially authorized and sanctioned by the provisions of the Royal Charter of the Hudson's Bay Company."

The Council then adjourned.

viz:

Minutes of a Council held at York Factory; Northern Department of Rupert's Land which commenced on the third day of July 1830 for the purpose of establishing such Rules and Regulations as may be considered expedient for conducting the business of said Department and in order to investigate the result of the trade of last year and determine the Outfits and general arrangements for the trade of the current year conformably to the provisions of a Deed Poll, under the seal of The Governor and Company of Adventurers of England trading into Hudson's Bay bearing date the twenty-sixth day of March 1821, at which were present the following Members, Viz:

George Simpson, Governor in Chief.
Colin Robertson, Chief Factor.
Alexander Stewart do
John Clarke do
John D. Cameron do
John Charles do
John Stuart do
Alexander Christie do
William McKintosh do
John Rowand do
P. W. Dease do
John Lee Lewes do
Roderick McKenzie do

Resolved 1. That Chief Traders be invited to attend and in consequence the following were present, viz:

Duncan Finlayson, Chief Trader.
Robert Miles do
John E. Harriott do

Resolved 2. That the rotations of Furlough for the current year 1830 be in favour of Chief Factors P. W. Dease, Colin Robertson and James Leith.

3. That those of Chief Factors P. W. Dease and Colin Robertson be transferred to Chief Factors Alexander Stewart and John Clarke who with Chief Factor Leith avail themselves thereof.

4. That the Rotations of Furlough for the present year be in favor of Chief Traders A. R. McLeod and Alexander Fisher. Neither avail themselves thereof.

In order to guard against any misapprehension in respect to the Rotation of Furlough for the two ensuing years,

5. That they be considered as in favor of Chief Factors Alexr Stewart, J. George McTavish, and John Clarke, and Chief Traders Samuel Black and P. Skene Ogden for Outfit 1831/32 and for Outfit 1832/33 in favor of Chief Factors John Keith, John D. Cameron and John Charles and Chief Traders Cuthbert Cummings and Francis Heron.

The request of Chief Trader Francis Heron contained in a letter under date the 19th April, 1830, to be allowed to accept the Transfer of Chief Trader Samuel Black's rotation of Furlough for Outfit 1831 under the provisions of the 21st Article of the Deed Poll having been duly considered it is apprehended that if this indulgence were granted such Transfer and exchange might be injurious and inconvenient to the interest of the Columbia Department to which both these Gentlemen are attached, it is therefore

Resolved 6. That this request of Chief Trader Heron be not complied with unless Chief Factor John McLoughlin finds that it can be not without injury or inconvenience to the business of the Columbia Department, in which case Chief Factor John McLoughlin is hereby authorized to afford Chief Trader Heron a passage to York in the Craft of ensuing season.

The request of John McLeod to be allowed leave of absence and a passage to England this season for the benefit of his health accompanied by Doctor William Todd's Medical Certificate having been duly considered it is Resolved

7. That Chief Trader John McLeod be granted leave of absence for one year accordingly.

8. That the following appointments take place, viz:

Districts.	*Chief Factors.*	*Chief Traders.*
Athabasca	John Charles	Colin Campbell
McKenzies River	Edward Smith	
English River	Roderick McKenzie	
Cumberland	William McKintosh	
Saskatchewan	John Rowand	J. P. Pruden
Swan River	Colin Robertson	
Norway House		Dond. Ross

Island Lake	J. Lee Lewes	
Nelson River		Josh McGillivray
York	Alexr Christie	Robert Miles
Winnipeg	John Stuart	
Lac la Pluie	J. D. Cameron	Thos. McMurray
Red River Settlement	Donald McKenzie	Duncan Finlayson
New Caledonia	William Conolly	Alexr. Fisher
	Peter W. Dease	
Columbia	J. McLoughlin	Simon McGillivray
		A. R. McLeod
		Samuel Black
		P. S. Ogden
		Francis Heron
		Archd. McDonald
		John E. Harriott
Experimental Farm at Red River		James McMillan C. F.

In reference to the appointment of Chief Trader Simon McGillivray to the District of Columbia, it is Resolved

9. That in the event of that Gentleman not arriving at Fort Chippewyan from Great Slave Lake in sufficient time to proceed to the Columbia by New Caledonia, say on or before the 20th Sept. he be retained in the Athabasca Department for the current year and his appointment to the Columbia be transferred to Chief Trader Colin Campbell.

10. That the following arrangements take place, viz.:

11. Winter Arrangements—

Athabasca	Fort Chippewyan	J. Charles C.F.
		James Heron Clk.
	Dunvegan	Colin Campbell C.T.
	Gt. Slave Lake	George McDougall Clk.
	Vermilion	Paul Fraser do

12. That 4 Boats 29 men and about 220 pieces Goods constitute the Current Outfit for Athabasca District.

Resolved 13. That the quantities of Leather, parchment, pack cords, and Babiche stated in 84th Resolve as being required for New Caledonia which have usually been furnished by the Saskatchewan District be from henceforward provided at Dunvegan together with a sufficient quantity of Grease to make up the ladings of 2 Canoes to 50 ps. in all, deliverable when called for after the month of August in every year.

14. That Chief Factor Charles be directed to leave Fort Chippewyan with the Boats and accompany them to Portage la Loche from whence he will precede his Brigade in Mr. Connolly's Canoe from New Caledonia accompanied by Chief Factor Rodk. McKenzie from Isle a la Crosse, their presence being required at York Factory on or about the 25th June.

15. Summer Arrangements—

Athabasca	Fort Chippewyan	4 men
	Great Slave Lake	3 men
	Dunvegan	3 men
	Vermilion	3 men

16. That Colin Campbell, Chief Trader, James Heron and Paul Fraser, Clerks, remain inland and be appointed as C. F. Charles may consider expedient.

17 Winter Arrangements—

McKenzies River	Fort Simpson	E. Smith C.F. J. McLeod Clk.
	Riv. aux Liards,	M. McPherson Clk.
	Fort Norman	C. Brisbois Clk.
	Fort Good Hope	John Bell Clk.
	Fort Halkett	J. Hutchison Clk.

18. That about 250 ps. of Goods forwarded in 4 Boats from Norway House for Portage la Loche constitute the Current Outfit for McKenzies River.

19. Summer Arrangements—

McKenzies River	Fort Simpson	A Clerk & 2 men
	Rivre aux Liard	do " 3 do
	Fort Halkett	do " 3 do
	Fort Norman	do " 2 do
	Fort Good Hope	do " 3 do

20. That it be discretionary with Chief Factor Smith to regulate the appointments and to make such alterations in the Summer Arrangements of the District as he may consider expedient.

21. That 4 Boats and a Canoe or 5 Boats be employed to bring out the Returns Summer 1831 to Portage la Loche.

22. That Chief Factor Christie be directed to forward 300 pieces Goods to Norway House for McKenzie River Outfit 1831, the same to be transported thence in 5 Boats to start from Norway House on or before the 20th June, three of which

to be manned by people to be engaged for the trip at Red River, say eight men each and the other two by 18 Servants exclusive of the Guide, 13 of whom to be under engagements of not less than 3 years, 3 of these men to be added to the late complement of the District and the others to be exchanged if necessary for retiring Servants.

23. Winter Arrangements—

English River	Isle a la Crosse	Rodk McKenzie, C. F.
	Deers Lake	Geo. Deschambeault Clk.

24. That 100 pieces Goods in 2 Boats manned by 12 men constitute the Current Outfit for that District.

The Post at Lake la Ronge having been for a great length of time . . . whereby the surrounding country has been much impoverished, and it being considered expedient to nurse the Country it is Resolved

25. That the said Post of Lake la Ronge be abandoned and that a post in lieu thereof be established at Deers Lake.

26. Summer Arrangements—

English River	Isle a la Crosse	Three men
	Deers Lake	A Clerk & three men

27. That a quantity of dried provisions equal to 80 Bags Pemican be provided and forthcoming for the use of the Outward and inward bound Northern Craft Spring and Summer 1831.

28. Winter Arrangements—

Cumberland	Cumberland	Willm McKintosh C.F.
	Moose Lake	Dond McKenzie Clk.

29. That about 120 pieces Goods constitute the Current Outfit for Cumberland District, part of which to be taken in by a Boat and 6 men belonging to the District and the remainder on freight by the Saskatchewan Brigade.

30. Summer Arrangements—

Cumberland	Cumberland House	Dond McKenzie Clk.

31. Winter Arrangements—

Saskatchewan	Edmonton	John Rowand C.F.
	Carlton	J. P. Pruden C.F.
	Fort Pitt	Patk Small Clerk
	Fort Assineboine	Ricd Grant do
	Rocky M't'n. Ho.	Henry Fisher Junr Clk.
	Jasper's House	Michel Klyne P.M.
	Lesser Slave Lake	Geo. Linton Clk.

32. That 360 ps. Goods in 9 Boats manned by 37 men constitute the Current Outfit.

33. Summer Arrangements—

Saskatchewan	Edmonton	A Clerk & 12 men
	Carlton	J. P. Pruden C. T. & 8 men
	Fort Assineboine	2 "
	Jasper's House	A Postmaster and 1 man

34. That J. P. Pruden, Chief Trader, Patrick Small and Henry Fisher, Clerks, be directed to remain Inland and be appointed as the Chief Factor superintending the District may consider expedient.

35. That the requisite number of Horses be provided at Edmonton for the transport of the Columbia property to Fort Assineboine, the charge for transport to be 5/ for each piece of 90, lb. Wt and that Craft be always in readiness at Fort Assineboine and the Rocky Mountains for the conveyance of people and property belonging to the Columbia department.

36. Winter Arrangements—

Swan River	Fort Pelly	Colin Robertson C.F.
		Thomas Isbister, P. M.
	Beaver Hills	An Interpreter
	Fort Dauphine	do
	Shoal River	do

37. That 250 ps. Goods in 5 Boats with 21 Servants and 10 Freemen hired for the trip constitute the Current Outfit of Swan River.

38. That Chief Factor Robertson be authorized to contract with a Freeman for the delivery of 200 to 300 Bushels Salt annually at 5/ p. bushel.

39. Summer Arrangements—

Swan River	Fort Pelly	An Interpreter & 4 men
	Fort Dauphine	An Interpreter
	Shoal River	do

40. Winter Arrangements—

Upper Red River	Brandon House	Wm. Todd Clerk
		George Setter P.M.

41. That an Outfit of about 100 ps. Goods for the use of Brandon House be forwarded to Red River on Freight and that a complement of Servants be provided at the Settlement

either for a term of Years at the ordinary wages of the District, or for the Winter only as may be considered expedient.

42. Summer Arrangements—

Upper Red River	Brandon House	George Setter P. M. & 5 men

43. That the returns of Post be conveyed to York on Freight next season accompanied by William Todd, Clk.

44. Summer & Winter Arrangements—

Lower Red River	Fort Garry	Donald McKenzie C.F. Duncan Finlayson C. T. John Ballenden Clk.
	Warden of the Plains	Cuthbert Grant.

45. That C. F. McKenzie's Requisition for the use of the Colony Shop and Indian Trade amounting to about 700 ps. be complied with.

46. That Chief Factor McKenzie be directed to charge to private account any Commission he may execute in Red River Colony at the request of Individuals unless specially authorized by an order or minute of Council.

47. That Chief Factor McKenzie be directed to purchase from the Colony the following Supplies made up in sound and transportable packages at not exceeding the prices thereto annexed Viz.

300 Bushels Barley @ 2/ - p. Bushel.
500 Cwt. best flour @ 12/ - p. Cwt.
200 Bushels unhulled Indian Corn @ 4/1 p. Bushel
600 Liquor Kegs (to be filled with flour).
Iron Hoops to be furnished from Y.F. @ 5/ each.

48. That the Freight to be allowed to Carriers and Districts during the Current Year for the trannport of Pieces be as follows, Viz.

From York Factory to Red River 20/ p. piece
From York Factory to Norway House 15/ "
From Norway House to Red River 5/ "
From Red River to Norway House 1/ "
From Norway House to Oxford House 2/ "
From Oxford House to York Factory 3/ "
From Oxford House to Norway House 5/ "
From York Factory to Oxford House 10/ "

49. That Chief Factor McKenzie engage for the season of open Water to be employed either on the Factory communica-

tion or in the McKenzies River transport business as may be required.

4 Steersmen at Wages not exceeding £21 p. the season.
4 Bowsmen " " " £18 do
24 Middlemen " " £15 do

50. That Chief Factor Donald McKenzie engage for the Fur trade 20 stout young men on 3 years' Contracts at £17 p. annum.

The establishment of Fort Garry being in a very dilapidated state, its situation not sufficiently central, much exposed to the Spring floods and very inconvenient in regard to the navigation of the River and in other points of view it is

51. That a new Establishment to bear the same name be formed on a site to be selected near the lower end of the Rapids for which purpose Tradesmen be employed or the work done by contract as may be found most expedient, and as stones and Lime are on the spot those materials to be used instead of timber, being cheaper and more durable.

52. That Chief Factor Donald McKenzie's Commission and authority as Governor of the Colony be equally applicable to servants of the Company under his direction and that they be required to yield due obedience to such authority in all cases in which he may find necessary to exercise it.

53. That Chief Factor McMillan be directed to establish an Experimental Farm at or near Red River for the purpose of rearing sheep and the preparation of Tallow or Wool and of Hemp and Flax for the English Market and that the necessary means be afforded for that object.

54. Winter Arrangements—

Winipeg	Fort Alexander	John Stuart C.F.
	Berens River	An Interpreter
	Netley Creek	Nemesses P. M.
	Dalles	William Sinclair Clk.

55. That about 150 pieces Goods in 2 Boats manned by 12 men constitute the Current Outfit for this District.

56. Summer Arrangements—

Winipeg	Fort Alexander	A Clerk & 2 men
	Berens River	An Interpreter.

57. Winter Arrangements—

Lac la Pluie	Lac la Pluie	J. D. Cameron, C.T.
		C. W. Bone Clk.
	Lac des Bois Blanc	Thos. McMurray, C.T.
	Whitefish Lake	Wm. Clouston Clk.

58. That C.F. J.D. Cameron be authorized to make such alterations in the above arrangements as he may consider expedient.

59. That about 250 pieces Goods in 4 Boats navigated by 24 men constitute the Current Outfit for this District, and that 5 new Bark Canoes be built next Spring, 3 of which to be brought out to and remain at Fort Alexander and the remaining two, together with 50 Fathoms best bottom and side Bark be brought out to Norway House.

60. Summer Arrangements—

Lac la Pluie	Lac la Pluie	Thos. McMurray C.T. C. W. Bone Clk & 4 men

61. Winter and Summer Arrangements—

Norway House	Norway House	Dond. Ross C.T.

62. That 3 men be provided for the Winter and Summer and the requisite Outfit of 25 pieces for the Current year be taken thither on freight.

63. Winter Arrangements—

Island Lake—Oxford House,	J. Lee Lewes, C.F.	
Windy Lake,	Wm. McKay, P.M.	
Merrys House,	Patk. Cunningham,	P.M.
Manitou Lake,	A Labourer.	

64. That about 120 ps. Goods in Craft navigated by 9 men constitute the Current Outfit of this District.

Winter Road Arrangements—

It being very desirable to follow up the Winter road plan, which in due time promises important advantages to the Country at large, it is Resolved

65. That the work be continued under the direction of Chief Factor Lewes and that to carry it on, the services of the men now employed in the transport of the McKenzies River Outfit and Returns be at his disposal for that object from the month of October until the month of April next; Likewise that such facilities be afforded by the Establishments of York Factory and Norway House towards the execution thereof as may subject the business to no material inconvenience.

66. That 200 pieces of Goods to be forwarded from York Factory in the course of the Summer and Autumn to Fort Daer be transported to Norway House by this mode of conveyance.

67. Summer Arrangements—

Island Lake—Oxford House, Two men

Manitoo Lake, An Intr. & 1 man.
Windy Lake, 1 man.
Merrys House, An Interpreter.

68. Winter Arrangements—

Nelson River—Split Lake, Joseph McGillivray, C.T.
Andrew Wilson, P.M.

69. That 40 pieces Goods in one Boat manned by 3 men with Indians constitute the Current Outfit of this District.

70. Summer Arrangements—

Nelson River—Split Lake, Andrew Wilson, P.M. & 1 man.

In reference to the appointment of Chief Trader Joseph McGillivray

71. That it be discretionary with Governor Simpson to appoint him to Winter at any Post or in District which he may consider expedient or to allow him a passage to Montreal or England.

Resolved 72. Winter Arrangements—

York—York Factory, Alexander Christie, C.F.
Robert Miles, C.T.
James Hargrave, Clerk.
Geo. Taylor, do.
Thomas Simpson do
Joseph Charles P.M.
Churchill, Robert Harding, Clk.

73. That 42 men including mechanics constitute the Winter and Summer Establishment of York Factory and Churchill and that the Outfit of Churchill be forwarded by such means as Chief Factor Christie can provide in the course of the season.

74. That measures be taken in course of the Summer and Autumn to forward 200 ps. of Goods in all to Fort Daer for the purpose of being conveyed to Norway House by the Winter Road and that every facility be afforded at the Depot for the promotion of this important object.

75. Winter Arrangements—

Columbia—Fort Vancouver, J. McLoughlin, C.F.
J. E. Harriott, C.T.
Donald Manson, Clk.
James Douglas do

James Birnie, Clk.
John Kennedy Surgn.
Michel Laframboise, P.M.
Fort Colville, Francis Heron, C. T.
Flat Heads, William Kittson, Clk.
Coutainais, Payette, Intr.
Thompsons River, Frs. Ermatinger, Clk.
Okanagan, A Labourer.
Fort Nez Percez, Samuel Black, C.T.
Fort Langley, A. McDonald, C.T.
J. M. Yale, Clerk.
Snake Expedition, P. S. Ogden, C.T.
Disposable, Simon McGillivray, C.T.
A. R. McLeod do
John Work, Clerk.
Thomas McKay do
Geo. Barnston do
F. N. Annance do
Shipping, Captains Simpson, Ryan & Minors & Mate.

Notwithstanding the above nominations of Commissioned Officers and Clerks

76. That it be discretionary with Chief Factor McLoughlin to make the appointments of those Gentlemen as he may consider expedient.

77. That 40 men be provided for this District to accompany the Saskatchewan Brigade under the charge of Chief Factor Rowand until they reach Edmonton and from thence proceed under the charge of Chief Trader Harriott to Fort Vancouver or until he may receive instructions from Chief Factor McLoughlin for his further guidance.

78. That 160 Guns (trading) and a few other supplies as per Requisition be taken from York for the use of the Columbia department and from Jaspers House all the Leather which he may find there of the stock provided last year for New Caledonia.

79. That Chief Factor McLoughlin take the necessary steps to employ the Shipping in the Coasting and Timber Trades, to build a Ship at Vancouver, to establish the post of Nass and to carry into effect the other objects noticed in the Governor & Committee's Dispatch of 28th Octr., 1829, conformably to their Honors' instructions.

80. Columbia continued.

New Caledonia—Stuarts Lake,	Wm. Conolly,	C.F.
	J. McDonald,	Clk.
Frazers Lake,	P. W. Dease,	C.F.
	Thomas Dears,	Clk.
McLeods Lake,	John Tod	do
Alexandria,	A. Fisher,	C.T.
Babines,	P. C. Pambrun,	Clk.
Conollys Lake,	Charles Ross	do
Fort George,	Wm. McGillivray	do

81. That it be discretionary with Chief Factor Conolly to make the appointments of the above Gentlemen together with the requisite Establishment of Servants as he may consider expedient.

82. That Chief Factor Dease proceed to New Caledonia via Athabasca and Peace River in a Canoe manned by 4 men for the Columbia; in which Chief Factor Charles will take a passage from Norway House to Fort Chippewyan preceding his Brigade; from Fort Chippewyan Chief Trader McGillivray to accompany Mr. Dease, or in the event of that Gentleman not arriving there by the 20th September C. T. Campbell accompany him and either of those Gentlemen say Mr. McGillivray or Mr. Campbell proceed from New Caledonia to Kamloops and thence to Vancouver as early as possible with the men intended for the Columbia Department.

83. That Chief Factor Conolly be authorized to transfer the charge of the District of New Caledonia next Spring to Chief Factor Dease, who will make the necessary appointments of Officers and Servants for the Summer to the different Posts and Stations as he may see fit and that Chief Factor Conolly attend the sitting of Council next season taking his passage out via Peace River in a Canoe manned not exceeding 4 retiring Servants, the remainder of the crew to be provided by Chief Factor Charles at Fort Chippewyan and that John McDonald, Clerk, late of New Caledonia District who is to pass the ensuing Winter at Peace River come out from Fort Chippewyan in charge of the Athabasca Brigade to Norway House.

84. That 650 dressed Mooseskins, 100 lb. Babiche Snares and Beaver nets, 2000 Fathoms Pack Cords and a sufficient quantity of Grease to make up 50 pieces in all be provided at Dunvegan for the use of New Caledonia District, to be sent for

in the autumn of every year by the Gentleman in charge of that District.

85. That a complete Outfit for New Caledonia 1831 conformably to requisition be prepared at Fort Vancouver by next Spring and that the requisite Horses and appointments, etc., to effect the transport thereof be provided and forwarded thither from the Columbia and with reference to further arrangements connected with the Columbia Department generally.

86. That the same be determined by Governor Simpson in correspondence with Chief Factors McLoughlin and Conolly.

87. That Chief Factors and Chief Traders in charge of Districts and Posts where regular tradesmen are employed, be authorized to engage strong, healthy half-breed lads not under 14 years of age as apprentices to be employed with those tradesmen, for the purpose of acquiring their business, on a term not less than seven years at the following wages which are considered sufficient to provide them with Clothes and other personal necessaies, viz.: The first 2 years at £8 p. annum, the next 2 years at £10 p. annum, the following 2 years at £12 p. annum and the last year at £15 p. annum, making for the seven years apprenticeship an allowance of £75, such lads not to be employed with their fathers nor in the Districts where their fathers or family reside.

Great benefit having been derived from the benevolent and indefatigable exertions of the Catholic Mission at Red River in the welfare, moral & religious instruction of its numerous followers, and it being observed with much satisfaction that the influence of the Mission under the direction of the Right Revd. The Bishop of Juliopolis has been uniformally to the best interests of the Settlement and of the country at large, it is resolved

88. That in order to mark our approbation of such laudable and disinterested conduct on the part of said Mission the sum of £50 be given towards its support together with an allowance of luxuries for its use.

89. That £100 be placed at the disposal of the Right Revd. The Bishop of Juliopolis towards the repairs or rebuilding of the Catholic Church at Red River and payable to his order on demand in Canada, England or Red River.

90. That Richd. Juln. Hamlyn, Surgeon to the Red River Settlement, be allowed the sum of £50 Sterling for medical

attendance and advice at the Company's Establishment and to their retired servants at Red River Colony and neighboring Districts for the following year.

91. That for the purpose of transmitting corrected accounts from the Depot of the Summer transactions as well as of conveying information relative to the Districts in general, a Winter express from the Depot and the Interior be appointed to meet at Carlton House, the one to proceed Northward Via Isle a la Crosse and Athabasca, and the other Southward Via Cumberland and Norway House, and steps be always taken by means of Indians or otherwise to forward from the Depot to Norway House or Cumberland before the closing of the navigation any private letters conveyed by Ship in order that the same may be reach their respective destinations before the departure of the Craft and returns in Spring. That all letters on public business be in duplicate under Official signature and when intended for general circulation be addressed to the Governor, Chief Factors & Chief Traders.

92. That the different Districts in the Northern Department be restricted to not exceeding the following number of Beaver for the Current Outfit, founded on an average list of Returns for three years as expressed in number 131.

Minutes of Council 1826, viz.:—

Athabasca	5000	Winipeg	50
Saskatchewan	5500	Norway Ho.	120
English River	650	Island Lake	100
Cumberland	150	Nelson River	400
Swan River	400	York & Churchill	300

93. That Gentlemen in charge of Districts & Posts be directed to use their utmost endeavors to collect large quantities of Leathers dressed, and Parchment, Buffalo Robes, Pack Cords, Snow Shoe line, Sinews, tracking Shoes, Leather tents &c., &c., as these are articles absolutely necessary for the trade in many parts of the Country and cannot be purchased in Europe or Canada.

94. That the Gentlemen in charge of Districts be directed to use every exertion to collect Bears' Grease as it is likely to become a Valuable article of trade for which Credit will be taken in Accounts @ 2/0 pr. lb.

95. That Gentlemen in charge of Districts & Posts be directed to bring to the Depot all the old spirit Kegs either shaken and made up into parcels or filled with Grease, provi-

sions, and other articles; as by proper care the same Kegs may be made to last 2 years; and for every keg so bought back if the staves be sound, and in a fit state to be remanufactured, five Shilling p. Keg will be credited to the Districts.

96. That Gentlemen in charge of Districts and Posts be directed to furnish annually with the Inventories a list of the articles in use at each Post distinguishing them according to their condition, as good, half-worn, much worn, also a list of Cattle or other Live Stock and the number of Acres in cultivation and quantity of seed sown for the next Crop and quantity reaped the preceding Summer, the Cattle should be distinguished Bulls, Cows, of the several ages, Calves one year old, two years old, three years old & upwards without any Valuation affixed.

97. That Chief Factors, Chief Traders and Clerks in charge of Districts and Posts give notice to the Servants under their direction that the rate of interest allowed by Government on Exchequer Bills having been reduced to 1½ p. diem or about £2,5 p. Cent, The Honourable Company can only allow that rate of Interest on Balances left in their hands.

A Letter dated Montreal 1st April 1830 from Mr. James Hughes late a partner of the North West Company who stood high in the estimation of his Colleagues for talent as an Indian trader and in that of his friends and acquaintances for his correct and honorable conduct, stating his present indigent circumstances and destitute situation, having been favorably considered, it is Resolved

98. That the Governor and Committee be requested to admit him into the Service of the Fur Trade in the capacity of Clerk, on a salary of £100 p. annum but without claims to, or hopes of, promotion on account of his advanced time of Life, and to afford him a passage to the Northern Department next season in order to be appointed to the charge of a Trading Post.

99. That the annexed standing Rules and Regulations be considered in force and be acted upon accordingly until rescinded.

100. That this Council do now adjourn.

Signed GEORGE SIMPSON, Governor.
Colin Robertson Chief Factor.
Alexander Stewart do
John Clarke do
John Charles do
John Stuart do

J. D. Cameron	Chief Factor.
Alexander Christie	do
William McIntosh	do
John Rowand	do
Peter W. Dease	do
John Lee Lewes	do
Rodk. McKenzie	do

York Factory, 7th July 1830.

Minutes of Council, 1831.

Minutes of a Council held at York Factory, Northern Department of Ruperts Land which commenced on the Twenty-ninth day of June, 1831, for the purpose of establishing such Rules and Regulations as may be considered expedient for conducting the business of said Department, and in order to investigate the result of the Trade of last year, and determine the Outfits and general arrangements for the trade of the Current year conformably to the provisions of a Deed Poll under the seal of the Governor and Company of Adventurers of England trading into Hudsons Bay bearing date the twenty-sixth of March 1821, at which were present the following Members Viz—

George Simpson,	Governor in Chief.
Colin Robertson,	Chief Factor.
Alexr. Stewart	do
John D. Cameron	do
John Charles	do
John Stuart	do
Alexander Christie	do
William McIntosh	do
William Conolly	do
John Rowand	do
Rodk. McKenzie	do
Duncan Finlayson	do
John Lee Lewes	do

1. That Chief Traders be invited to attend and in consequence the following were present, viz.:

John McLeod.
A. R. McLeod.
Robert Miles.

2. That the rotations of furlough for the Current year 1831 be in favor of Chief Factors Alexander Stewart, John George McTavish and John Clark.

3. That those of Chief Factors John Clark & Alexander Stewart be considered null & void as they do not avail themselves thereof and that that of Chief Factor John G. McTavish be transferred to C. F. William Conolly.

4. That the rotations of Furlough for the Current year 1831 be in favor of Chief Traders Samuel Black and Peter S. Ogden and that they be considered null and void as they do not avail themselves thereof.

In order to guard against any misapprehension in respect to the rotations of Furlough for the two ensuing years

5. That they be considered as in favor of Chief Factors George Keith, John D. Cameron and John Charles and Chief Traders Cuthbert Cummings and Francis Heron for Outfit 1832/33 and in favor of Chief Factors John Stuart, Edward Smith and John McLoughlin and Chief Traders John Siveright and Robert Miles for Outfit 1833/34.

The request of Chief Trader Simon McGillivray contained in a letter under date 13th March 1831 to be allowed a Furlough or leave of absence for the year of Outfit 1832 having been fully considered it is apprehended that if this indulgence were granted it might be drawn into a precedent which might be injurious or inconvenient to the Interests of the Service it is therefore resolved

6. That Chief Trader Simon McGillivray's request be not complied with.

And with reference to the foregoing Resolutions frequent changes of Commissioned Gentlemen on the West side of the mountains being found exceedingly inconvenient, it is resolved

7. That no exchanges of Rotation of Furlough between Chief Factors or between Chief Traders be permitted nor leave of absence granted to Chief Factors or Chief Traders while under appointments on the west side the mountains until after they have passed Five Winters there except in cases where ill-health may render it necessary for them to visit England or Canada for the benefit of Medical advice.

8. That the following appointments take place.

Districts.	*Chief Factors.*	*Chief Traders.*
Athabasca.	John Charles.	Colin Campbell.
McKenzie River.	Edward Smith.	A. R. McLeod.
English River.	Rodk. McKenzie.	
Cumberland.	William McIntosh.	
Saskatchewan.	John Rowand.	J. P. Pruden.

Swan River.	Colin Robertson.	
Red River Settlemt.	Donald McKenzie.	
Upper Red River.		Wm. Todd.
Experimental Farm.	Jas. McMillan.	
Winipeg.	John Stuart.	
Lac la Pluie.	John D. Cameron.	
Norway House.		Dond. Ross.
Island Lake.	John Lee Lewes.	
York Factory.	Alexr. Christie.	Robt. Miles.
Columbia.	John McLoughlin.	S. McGillivray.
	Duncan Finlayson.	Samuel Black.
		P. S. Ogden.
		Francis Heron.
		Archd. McDonald.
		J. E. Harriott.
		Emilius Simpson.
		John Work.
New Caledonia.	Peter W. Dease.	Alexander Fisher.
Southern Department		
Albany.	Alexr. Stewart.	
Montreal Department,		
Kings Posts.	For Outfit	John McLeod.
Do.	1832/33.	Wm. Conolly.

9. Winter Arrangements—

Athabasca—Fort Chippewyan, John Charles, C.F.
James Heron, Clk.
Dunvegan, Colin Campbell, C.T.
Vermilion, Paul Fraser, Clk.
Great Slave Lake, John McDonell, Clk.

10. That 4 Boats, 29 men and about 200 pieces Goods constitute the Current Outfit for Athabasca District.

11. That the quantities of Leather, parchment, pack Cords and Babiche stated in 82nd Resolve as being required for New Caledonia which have usually been furnished by the Saskatchewan District be from henceforward provided at Dunvegan together with sufficient quantity of Grease to make up the Lading of two Canoes to 50 pieces in all deliverable when called for after the month of August in every year.

12. That Chief Factor Charles be directed to precede his Brigade in a canoe to be manned by 4 of the New Caledonia retiring Servants and 4 of the people belonging to

Athabasca District, his presence being required at York Factory on or about the 25th June.

13. Summer Arrangements—

Athabasca—Fort Chippewyan, Four men.

Great Slave Lake,	3	do.
Vermilion,	3	do.
Dunvegan,	3	do.

14. That Paul Fraser, Clerk, be transferred to New Caledonia Department and be replaced either by John Tod or Charles Ross, Clerks.

15. That James Heron, Clerk, accompany the Boats to Norway House next season and from thence proceed to York Factory.

16. That Colin Campbell, Chief Trader, and John McDonell and either John Todd or Charles Ross, Clerks, remain inland and be appointed as Chief Factor Charles may consider expedient.

17. That Chief Factor Christie be directed to forward 160 pieces Goods to Norway House for Athabasca, Outfit 1832, by Indians or Red River Carriers.

18. Winter Arrangements—

McKenzies River—Fort Simpson, Edward Smith, C.F.
A. R. McLeod, C.T.
John McLeod, Clk.
Rivre au Liard, Murdoch McPherson, Clk.
Fort Simpson, Charles Brisbois, Clk.
Fort Good Hope, John Bell, Clk.
Fort Halkett, John Hutchison, Clk.

19. That about 280 pieces Goods forwarded in 5 Boats from Norway House for Portage la Loche constitute the current Outfit for McKenzies River.

20. Summer Arrangements—

McKenzies River—Fort Simpson, Two men.
Rivre au Liard, Three men.
Fort Norman, Two men.
Fort Good Hope, Three men.
Fort Halkett, Three men.

21. That it be discretionary with Chief Factor Smith to regulate the appointments and to make such alterations in the

Summer arrangements of the District as he may consider expedient.

22. That 4 Boats and a Canoe or 5 Boats be employed to bring out the Returns, Summer 1832 to Portage la Loche.

23. That Chief Factor Christie be directed to forward 250 pieces Goods to Norway House for McKenzie River Outfit 1832, the same to be transported thence in 4 Boats to start from Norway House on or before the 15th of June, three of which to be manned by people to be engaged for the trip at Red River say 7 men each and the 4th by 7 Servants, exclusive of the Guide.

24. That Chief Factor Smith be at liberty to visit York Factory next Summer if so disposed in which case it will be necessary for him to be at Fort Chippewyan in sufficient time to accompany Chief Factor Charles and that Chief Factor Smith be directed to send John McLeod Clerk to Fort Chippewyan sufficiently early to take a passage to Norway House or York in the Athabasca Boats or Canoe, it being intended to transfer his services to the Montreal Department.

25. Winter Arrangements—

English River—Isle à la Crosse, Rodk. McKenzie, C.F.
Rapid River, Geo. Deschambault, Clk.
Green Lake, An Interpreter.

26. That 100 pieces Goods in 2 Boats manned by 12 men constitute the Current Outfit for that District.

The Post at Deers Lake being found exceedingly inconvenient for the Crees at Lac la Ronge, it is Resolved

27. That it be abandoned and that a post be established in its stead at the mouth of Rapid River which will accommodate the Crees of Lac la Ronge as also the Chippewyans of Deers Lake.

28. Summer Arrangements—

English River—Isle à la Crosse, Three men.
Rapid River, 1 Clerk & 1 man.

29. That a quantity of dried Provisions equal to 80 Bags Pemican be provided and forthcoming for the use of Outward and inward bound Northern Craft, Spring & Summer 1832.

30. Winter Arrangements—

Cumberland—Cumberland Ho., Wm. McKintosh, C.F.

31. That 50 pieces Goods constitute the Current Outfit for Cumberland District to be taken in by the Saskatchewan Bri-

gade into which the 3 voyaging Servants belonging to the District will be drafted.

32. Summer Arrangements—

Cumberland—Cumberland Ho., Two men.

33. Winter Arrangements—

Saskatchewan—	Edmonton,	John Rowand, C.F.
	Carlton,	J. P. Pruden, C.T.
	Fort Pitt,	Patrick Small, Clk.
	Fort Assineboine,	Richd. Grant, Clk.
	Rocky Mountain Ho.,	Henry Fisher, Clk.
	Jaspers House,	Michel Klyne, P.M
	Lesser Slave Lake,	Geo. McDougall, Clk.

34. That 250 pieces Goods in 8 Boats manned by 40 men constitute the Current Outfit.

35. Summer Arrangements.

Saskatchewan—	Edmonton,	A Clerk & 12 men.
	Carlton,	J. P. Pruden C.T. & 8 men.
	Ft. Assineboine,	1 man.
	Jaspers House,	A Postmaster & 1 man.

36. That J. P. Pruden, C.T., Patrick Small, Henry Fisher and George McDougall, Clerks, remain inland and be appointed as the Chief Factor superintending the District may consider expedient.

37. That the requisite number of Horses be provided at Edmonton for the transport of the Columbia Property to Fort Assineboine, the charges for transport to be 5/- for each piece of 90 lbs. Weight and that Craft be always in readiness at Fort Assineboine and the Rocky Mountain House for the conveyance of people and property belonging to the Columbia Department.

38. Winter Arrangements—

Swan River—	Fort Pelly,	Colin Robertson, C.T.
		Thomas Isbister, P.M.
	Shoal River,	Goulet, Interpreter.
	Manitoba,	Francis Dease, P.M.

39. That 100 pieces Goods, 2 Boats and 11 Servants and 3 freemen hired for the trip constitute the current Equipment of Swan River.

40. That Chief Factor Robertson be authorized to contract with a freeman for the delivery of 200 to 300 bushels salt annually at 5/ per Bushel.

41. Summer Arrangements—

Swan River—Fort Pelly, An Interpreter & 4 men.
Manitobah, do do
Shoal River, Francis Dease & 1 man.

Chief Factor J. D. Cameron having expressed a desire of transferring his rotation of Furlough for the year of Outfit 1832/33 to Chief Factor Robertson the latter Gentleman having intimated his intention of availing himself thereof and expressed a wish to leave his District with that view before the opening of the navigation and to be exempted from attendance at Council, it is Resolved

42. That Chief Factor Robertson be permitted to avail himself of Chief Factor Cameron's rotation of Furlough for next year and to leave his District before the opening of the navigation & that he be exempted from attendance at Council accordingly.

In order to protect the trade of the Assineboines and Crees of Upper Red River from American opposition on the Missouri it is Resolved.

43. That a new Post be established at or in the neighborhood of Beaver Creek to be called Fort Ellice.

44. Winter Arrangements—

Upper Red River—Fort Ellice, William Todd, C.T.
George Setter, P.M.
Brandon House, James Hughes, Clk.

45. That an Outfit of 50 pieces Goods for the use of this District be forwarded to Red River on freight and that a complement of 16 men be provided at the settlement either for a term of years at the ordinary wages of the District or for the Winter only as may be considered expedient; and that the Posts be abandoned during the Summer.

46. Winter & Summer Arrangements—

Lower Red River—Fort Garry, Donald McKenzie, C.F.
Thomas Simpson, Clk.
John Ballenden, Clk.
Warden of the Plains, Cuthbert Grant.

47. That Chief Factor McKenzie's requisition for the use of the Colony Shop and Indian trade amounting to about 400 pieces Goods be complied with.

48. That Chief Factor McKenzie be directed to charge to private account any commission he may execute in Red River

Colony at the request of individuals unless specially authorized by an order or Minute of Council.

49. That Chief Factor McKenzie be directed to purchase at the Colony the following supplies made up in sound and transportable packages at not exceeding the prices thereto annexed, viz.:

500	Cwt. Flour,	10/ per Cwt.
200	Bushels rough Barley,	2/ " Bushel
40	" hulled Indian Corn,	4/ " "
30	" Pease,	3/ " "
7	Cwt. prime Beef,	3d. " lb.
50	" Pork,	2d. " "
600	Lbs. Ham,	4d. " "
30	Firkins Butter,	7d. " "
400	Portage slings,	2/ 8 ea.
50	Pairs Cassette Straps,	4/ per Pair

50. That the freight to be allowed Carriers and Districts during the Current year for the transport of pieces be as follows viz.:

From York Factory to Red River	18/ per piece.
York Factory to Norway House	14/ "
Oxford House to Norway House	4/ "
Norway House to Red River	4/ "
Norway House to Oxford House	2/ "
Red River to Norway House	1/ "
Oxford House to York Factory	3/ "
York Factory to Oxford House	10/ "

51. That Chief Factor McKenzie engage for the season of open water to be employed either on the Factory communication or in the McKenzies River transport business as may be required.

3 Steersman at £18 ea. for the season.

3 Bowsmen at £16 ea. for the season.

15 Middlemen at £14 ea. for the season.

52. Winter Arrangements—

Experimental Farm—James McMillan, C.F., & 4 men.

53. That Chief Factor McMillan be directed to prosecute the object for which the Experimental Farm was established last season and that the necessary means be afforded for the purpose.

54. Winter Arrangements—

Winipeg—Fort Alexander,	John Stuart, C.F.
Berens River,	An Interpreter.
Dalles,	Wm. Sinclair, Clk.
Shoal Lake,	Thos. Taylor, P.M.

55. That about 50 pieces Goods in 2 Boats manned by 10 men assisted by two of Lac la Pluie servants constitute the Current Outfit for this District.

56. Summer Arrangements—

Winipeg—Fort Alexander, A Clerk & 2 men.
Berens River, An Interpreter.

57. Winter Arrangements—

Lac la Pluie—Lac la Pluie,	J. D. Cameron, C.F.
	C. W. Bone, Clk.
Lac du Bois Blanc,	An Interpreter.
White Fish Lake,	Wm. Clouston, P.M.

58. That Chief Factor Cameron be authorized to make such alterations in the above mentioned arrangements as he may consider expedient.

59. That about 180 pieces Goods in 3 Boats manned by 24 men constitute the Current Outfit for this District, two of those men to be transferred to the Winipeg District for the ingoing passage & that 5 Bark Canoes be built next Spring, 3 of which to be brought out and to remain at Fort Alexander, and the remaining two together with 50 Fathoms best bottom & side bark be brought out to Norway House.

60. Summer Arrangements—

Las la Pluie—Lac la Pluie,	Chas. W. Bone, Clk.
	Wm. Clouston P.M. & 4 men
Lac du Bois Blanc,	An Intr. & 1 man.

61. Winter Arrangements—

Norway House—Norway House, Dond Ross C.T.

62. That 5 men be provided for the Winter and Summer business of this Post and the requisite Outfit of 25 pieces Goods for the current year be taken thither on freight. ,

63. That Chief Trader Ross be directed to get timber prepared for building 6 inland Boats of the usual dimensions & 2 large decked boats of about 12 Tons burden of small draft of water for the transport of supplies between Norway House

& Red River Settlement, to be built by carpenters to be sent this ensuing Autumn from York and Swan River Districts.

64. Winter Arrangements—

Island Lake—Oxford House, John Lee Lewes, C.F.
Winipeg Lake, Wm. McKay, P.M.
Merrys House, An Interpreter
Manitoo Lake, do

65. That about 80 pieces Goods in Craft navigated by 9 men constitute the current Outfit of this District.

66. That Chief Factor Lewes be directed to employ 32 Indians belonging to Island Lake District next season in the transport of 640 pieces Goods from York Factory to Norway House and in the transport of 400 pieces provisions, Leather, Furs &c. from Norway House to York Factory by 80 piece Boats in two trips and that the said Indians be paid after the rate of 60 Made Beaver for Middlemen 65 Made Beaver for Bowsmen and 70 Made Beaver for Steersmen for their service during the season.

Winter Arrangements—

It being very desirable to follow up the Winter Road plan which in time promises important advantages to the country at large, it is Resolved

67. That the work be continued under the direction of Chief Factor Lewes and that to carry it on, the services of 10 supernumeraries be at his disposal for that object for the month of October until the month of April next likewise that such facilities be afforded by the establishments of York Factory and Norway House towards the execution thereof as may not subject the business to material inconvenience.

68. Summer Arrangements—

Island Lake—Oxford House, An Interpreter & 1 man.
Windy Lake, 1 man.
Merrys House, An Interpreter.
Manitoo Lake, do do & 1 man.

69. Winter Arrangements—

Nelson River—Split Lake, Andrew Wilson, P.M.

70. That 40 pieces Goods in 1 Boat manned by 3 servants with Indians constitute the current Outfit of the District.

71. Summer Arrangements—

Nelson River—Split Lake, Andrew Wilson, P.M., & 1 man.

72. Winter Arrangements—

York—York Factory, Alexander Christie, C.F.
Robert Miles, C.F.
James Hargrave, Clk.
George Taylor, do.
Joseph Charles, P.M.
Churchill, Robert Harding, Clk.

It being ascertained that many of the late Home Guard Severn Indians experience much inconvenience from the want of a Post on their own lands, it is Resolved

73. That a small post be established there this season under the charge of Patrick Cunningham, Postmaster, attached to York Factory and that it be supplied with 20 pieces Goods, besides provisions, to be transported thither in a Boat navigated by 3 Servants & Indians.

74. That 40 men including Mechanics constitute the Winter & Summer Establishment of York Factory, Severn & Churchill, and that the Outfit of Churchill be forwarded by such means as Chief Factor Christie can provide in course of the season.

75. Columbia Winter Arrangements—

Fort Vancouver, Fort Colville, Flat Heads.
Coutanais Thompsons River, Okanagan.
Fort nez Percez Fort Langley, Nass.
Snake Expedition, Shipping, &c., &c.

John McLoughlin & Duncan Finlayson, Chief Factor; Simon McGillivray, Samuel Black, P. S. Ogden, Francis Heron, Archd. McDonald, J. E. Harriott, Emilius Simpson & John Work, Chief Traders; James Douglas, James Burnie, William Kitson, Francis Ermatinger, Donald Manson, F. N. Annance, Thomas McKay, P. C. Pambrun, & George Allan, Clerks; (Captain) Ryan & mates.

76. That it be discretionary with Chief Factor McLoughlin to make the appointments of those gentlemen as he may consider expedient.

77. That 24 men be provided for this District to accompany the Saskatchewan Brigade under the charge of Chief Factor Rowand until they reach Edmonton and from thence proceed under the charge of Chief Factor Finlayson to Vancouver or until he may receive instructions from Chief Factor McLoughlin for his further guidance.

78. That Chief Factor McLoughlin take the necessary steps to employ the shipping in the coasting & Timber Trades and

to carry into effect the other objects noticed in the Governor and Committee's Dispatch of 28th October 1829 and Governor Simpson's letter of the 2nd July.

79. Columbia continued—

New Caledonia.

Stuarts Lake, Frasers Lake, McLeods Lake, Alexandria, Babines, Conolly's Lake, Fort George & Chilcotins.

Peter Warren Dease, Chief Factor, Alexander Fisher, Chief Trader, John Tod, Charles Ross, Thomas Dears, Wm. McGillivray, George Linton, & Dond. McKenzie, Clerks; Charles Roussin and Benjamin McKenzie, Postmasters.

80. That a Canoe with 8 men and George Linton and Donald McKenzie, Clerks, and Benjamin McKenzie, Postmaster, be forwarded via Athabasca for the service of New Caledonia Department.

81. That it be discretionary with Chief Factor Dease to make the appointments of the above mentioned Gentlemen together with the requisite Establishment of servants as he may consider expedient.

82. That 530 dressed Mooseskins 18 Parchment skins, 100 lbs. Babiche snares, and Beaver nets, 200 Fathoms Pack Cords, 30 lbs. of sinews, and a sufficient quantity of Grease to make up 50 pieces in all be provided at Dunvegan for the use of New Caledonia District to be sent for in the Autumn of every year by the Gentleman in charge of that District.

83. That a complete Outfit for New Caledonia 1832 conformably to requisition be prepared at Fort Vancouver by next Spring, and that the requisite Horses and appointments etc. to effect the transport thereof be provided and forwarded thither from the Columbia and with reference to further arrangements connected with the Columbia Department generally.

84. That the same be determined by Governor Simpson in correspondence with Chief Factors McLoughlin & Dease.

85. That the new settlement of Ungava to be named Fort Chimo be attached to the Northern Department.

86. Winter & Summer Arrangements—

Ungava—Fort Chimo, Nicol Finlayson, Clk.
Erland Erlundson, do.
Wm. Taylor, P.M.

87. That the *Beaver* Sloop under the command of Thomas Duncan, Sloopmaster, with a crew of 5 men taking Mr. Er-

landson as passenger be transferred to the Settlement of Ungava for the purpose of being at the disposal of Mr. Nicol Finlayson and be dispatched thither as early this season as the navigation admits and that such supplies in Trading Goods, provisions, stores, &c., &c., be shipped on board of her for the use of the settlement as are likely to be required until the Autumn of 1833 it being intended that she be employed on the coast in trade with the Esquimaux the whole of the next season of open water and that she be sent with such returns as may be collected and for such further supplies as may be required to York Factory in the Summer of 1833.

88. That the 9 men now at Ungava be retained there and employed as Mr. Nicol Finlayson may consider expedient, and that the servants whose Contracts expire in 1833 be brought to York then and replaced by others if they be unwilling to renew their Engagements and for further instructions that Mr. Finlayson be referred to Governor Simpson's letter of this date.

89. Montreal Department.

That Chief Factor Conolly proceed thither for the purpose of being placed in charge of the Kings Posts Outfit 1832 accompanied by Chief Trader John McLeod for the purpose of being appointed to that Department for the current Outfit; likewise by Richard Rae and either Wm. Nouse or Alexr. McKay, Clerks, & Simon Ross, Postmaster, to be placed as may be found necessary.

90. That Chief Factors & Chief Traders in charge of Districts and Posts where regular Tradesmen are employed be authorized to engage strong healthy half breed lads not under 14 years of age as apprentices to be employed with those tradesmen for the purpose of acquiring a knowledge of the business on a term of not less than seven years at the following wages which are considered sufficient to provide them with Clothes and other personal necessaries, viz. the first 2 years at £8 per annum, the next 2 years at £10 per annum, the following 2 years at £12 p. annum, and the last year at £15 p. annum, making for the 7 years apprenticeship an allowance of £75, such lads not to be employed with their Fathers nor in the Districts where their Fathers and families reside.

Great benefit having been derived from the benevolent and indefatigable exertions of the Catholic Mission at Red River in the welfare, moral and religious instruction of its numerous followers and it being observed with much satis-

faction that the influence of the Mission under the direction of the Right Revd. the Bishop of Juliopolis has been uniformly directed to the best interests of the settlement and of the country at large, it is Resolved

91. That in order to mark our approbation of such laudable and disinterested conduct on the part of said Mission, the sum of £50 be given towards its support, together with an allowance of luxuries for its use.

92. That for the purpose of transmitting corrected Accounts from the Depot, of the Summer transactions as well as of conveying information relative to the Districts in general, a Winter express from the Depot and the Interior be appointed to meet at Carlton House and one to proceed northward via Isle a la Crosse and Athabasca and the other southward via Cumberland & Norway House and that steps be also taken by means of Indians or otherwise to forward from the Depot to Norway House or Cumberland before the closing of the navigation any private Letters conveyed by the Ship in order that the same may reach their respective destinations before the departure of the Craft and Returns in Spring; that all letters on public business be in triplicate under official signature & when intended for general circulation be addressed to the Governor, Chief Factors & Chief Traders.

93. That the different Districts in the Northern Department be restricted to not exceeding the following number of Beaver for the current Outfit founded on an average List of Returns for three years as expressed in number 131 Minutes of Council 1826, Viz.

Athabasca 5000	Winipeg 50
Saskatchewan 5500	Norway House 20
English River 650	Island Lake 100
Cumberland 150	Nelson River 400
Swan River 400	York and Churchill 300.

94. That Gentlemen in charge of Districts and Posts be directed to use their utmost endeavors to collect large quantities of Leather dressed and Parchment, Buffalo Robes, Pack Cords, Snow shoe line, Sinews, tracking Shoes, Leather tents &c. &c., as they are articles absolutely necessary for trade in many parts of the Country & cannot be purchased in Europe or Canada.

95. That Gentlemen in charge of Districts or Posts be directed to bring to the Depot all the old spirit Kegs either

shaken & made up into parcels or filled with grease, Provisions and other articles as by proper care, the same Kegs may be made to last two years and for every Keg so brought back, if the staves be sound and in a fit state to be remanufactured 5/ per keg will be credited to the District.

96. That Gentlemen in charge of Districts and Posts be directed to furnish annually with the Inventory, a list of the articles in use at each Post distinguishing them according to the condition as good, half worn, much worn; also a list of Cattle or other live stock and the number of acres in cultivation, and quantity of seed sown for the next crop with the quantity reaped the preceding Summer.

The cattle should be distinguished; Bulls, Cows; of the several ages; one year old, two years old and 3 years old & upward without any valuation affixed.

97. Several complicated transactions having recently appeared in the books of Swan River District in reference to the purchase and sale of Cattle on the private account of Chief Factor Clarke by which it appears that he derived a profit from sales of Cattle reared at Fort Pelly at the expense of the Fur Trade; and to prevent a recurrence of such dealings, it is Resolved

97. That a statement be required of Chief Factor Clarke of the cost and expenses incurred by him individually in the purchase and of the money he has received by the sales of those Cattle made up with Interest to the 1st June next; That the stock left at Fort Pelly on the 1st June 1830 be assumed by and be considered as belonging to the Fur Trade and that in the event of the original cost expenses and Interest amounting to more than the sum received by Chief Factor Clarke for sales, such difference be paid him by the Fur Trade; but that the transactions entered into by Chief Factors Robertson & Clarke last year in reference to those Cattle be annulled.

98. That the undermentioned Clerks & Postmasters whose contracts have expired be re-engaged for the term of 3 years at the salaries affixed to their names, viz:

John Bell,	Clerk	£100
George Deschambault,	"	75
Erland Erlandson	"	75
Francis Ermatinger	"	100
Paul Fraser	"	100
James Hargrave	"	100
John Hutchison	"	100

Wm. McGillivray	Clerk	£100
Thomas McKay	"	100
John McLeod	"	100
Murdoch McPherson	"	100
Donald Manson	"	100
P. C. Pambrun	"	100
Charles Ross	"	100
Thomas Simpson	"	75
Wm. Sinclair Jr.	"	75
Patrick Small	"	100
John Tod	"	100
Wm. Clouston,	Postmaster	50
Patrick Cunningham	"	50
Thomas Isbister	"	50
Pierre LeBlanc	"	75
William McKay	"	50
Benjamin McKenzie	"	50
Charles Roussin	"	50
Andrew Wilson	"	40

99. That James McDougall & George Barnston, Clerks, be permitted to retire from the Service & be provided with passages, the former to Canada or Red River Settmt. and the latter to Canada or England as he may desire.

100. That in accordance with the 13th Article of the Govr. & Committee's Dispatch of 23rd Feb. 1831, a donation of Five Hundred Pounds Sterling be made to James McDougall and that he be at liberty to draw for the same as he may consider expedient.

Serious inconvenience to the service having in many instances arisen of late from the circumstance of Clerks in distant parts of the country applying to the Governor & Council for permission to visit the Depot or withdraw from the District without having previously consulted the Commissioned Gentlemen superintending the District, and to guard against a recurrence of such inconvenience, it is Resolved

101. That no such permission shall be granted in future unless the applicant first submits his request in writing to the gentleman superintending the District to which he belongs, who is hereby directed to report on the same for the information of the Governor and Council.

102. That the amount of requisition from England for shipment 1832 for Outfit 1833 do not exceed the sum of Fifteen Thousand Pounds Sterling.

103. That the annexed standing Rules and Regulations be considered in force and be acted upon accordingly until rescinded.

104. That this Council do now adjourn.

Signed

George Simpson	Governor
Colin Robertson,	Chief Factor.
Alexr Stewart	do
J. D. Cameron	do
John Charles	do
John Stuart	do
Alexander Christie	do
William McKintosh	do
William Conolly—	do
John Rowand	do
Rodk McKenzie	do
John Lee Lewes	do
Duncan Finlayson	do

York Factory 4th July, 1831.

Minutes of Council 1832.

Minutes of a Temporary Council held at York Factory, Northern Department of Rupert's Land which commenced on the 9th day of July Eighteen hundred & thirty-two for the establishing such rules and regulations as may be considered expedient for conducting the said Department and in order to investigate the result of the trade of last year and determine the Outfits and General Arrangements for the trade of the Current year, conformably to the Provisions of a deed Poll under the seal of the Governor and Company of adventurers of England trading into Hudson's Bay bearing date the 26th day of March 1821, at which were present the following members Viz:

George Simpson	Governor in chief.
John D. Cameron	Chief Factor
John Stuart	do
Alexander Christie	do
William McKintosh	do
John Lee Lewes	do
Rodk McKenzie	do

Francis Heron	Chief Trader
Robert Miles	do
John E. Harriott	do
Robert Cowie	do
William Todd	do

Resolved 1. That the rotations of Furlough for the Current year 1832 be in favor of Chief Factors George Keith, John D. Cameron and John Charles.

2. That the rotation of Chief Factor George Keith be availed of by himself & the rotations of Chief Factor J. D. Cameron and John Charles be transferred to Chief Factors Colin Robertson and Edward Smith.

3. That the rotations of Furlough for the Current year be in favor of Chief Traders Cuthbert Cummings and Francis Heron, the former Gentleman availing himself of his rotation and the latter Gentleman not availing himself thereof but with an understanding that he shall be allowed to take the benefit of an exchange of Rotation in 1835.

In order to guard against any misapprehension in regard to the Furloughs of the two ensuing years:—

4. That they be considered as in favor of Chief Factors John Stuart, Edward Smith and John McLoughlin, with Chief Traders John Siveright and Robert Miles for Outfit 1833/34; and in favor of Chief Factors James Keith, Joseph Beioley and Angus Bethune, with Chief Traders Colin Campbell and Alexander McTavish for Outfit 1833/34.

5. That Chief Factor John Stuart having given notice of his intention not to avail himself of his Furlough for the year 1833/34 it be at the disposal of the Governor and Council.

6. That Chief Trader Robert Miles having given notice of his intention not to avail himself of his Rotation of Furlough for the year 1833/34 it be transferred to Chief Trader Colin Campbell, who has expressed a desire of obtaining a Rotation; and it being understood that Chief Trader Siveright does not mean to avail himself of his Rotation of Furlough for the year 1833/34 it be transferred to Chief Trader Alex. R. McLeod, who has expressed a desire to be relieved from his appointment on account of ill-health.

7. That there shall be no exchange of Rotation of Furlough between Chief Factors or between Chief Traders while under appointment on the west side of the Mountains until after they have passed 5 Winters there, except in cases where Ill-health

may render it necessary for them to visit England or Canada for the benefit of medical advice.

8.

Districts.	Chief Factors.	Chief Traders.
Athabasca	John Charles.	Colin Campbell.
	William McKintosh.	
McKenzies River .	John Stuart.	A. R. McLeod.
English River, inc. Cumberland . . .	Rodk. McKenzie.	
Saskatchewan	John Rowand.	J. P. Pruden.
		J. E. Harriott.
Swan River, incl. Fort Ellice. . . .		Wm. Todd,
Red River, Fort Garry or New Fort	Donald McKenzie.	
R. River El. Farm, Sale Shop at The Forks, & new Post at Portage la Prairie	James McMillan.	
Lac la Pluie, inc. Ft. Alexr. & Shoal Lake	J. D. Cameron.	
Norway House, inc. Berens River. .		Donald Ross.
Island Lake.	John Lee Lewes.	
York Factory	Alexr. Christie.	Robert Miles.
Columbia.	John McLoughlin.	Saml. Black.
	Duncan Finlayson.	P. S. Ogden.
		Fras. Heron.
		Arch. McDonald.
		Robert Cowie.
		John Work.
New Caledonia. . .	P. W. Dease.	Simon McGillivray.
		Alexr. Fisher.

9. That the appointments of the Commissioned Gentlemen in the Montreal Department for the year 1833/34 be continued as those of 1832/33 unless Chief Factor James Keith, who must be considered the principal superintendent of that Department may find it necessary from unforeseen causes to make alterations therein.

10. That the following arrangements take place—

Winter Arrangements—

Athabasca—Fort Chippewyan,	J Charles, C.F.
	Chas. Ross, Clk.
Dunvegan,	Wm. McKintosh, C.F.
Vermilion,	Robt. Miles, C.T.
Gt. Slave Lake,	J. McDonald, Clk.

11. That 4 boats, 29 men, and about 200 pieces Goods constitute the current outfit for Athabasca District.

12. That the quantities of Leather, parchment Pack Cords, and Babiche required for New Caledonia, be provided at Dunvegan together with a sufficient quantity of grease to make up the lading of two Canoes to 50 pieces in all deliverable when called for after the month of August.

13. That Chief Factor Charles be directed to precede his Brigade in a Canoe to be manned by retiring Servants from New Caledonia and the crew to be made up by Servants belonging to the District. The New Caledonia people to be at Fort Chippewyan not later than the 25th May.

14. That Chief Factor Charles be provided with a passage from Norway House to Fort Chippewyan if he requires it in a Canoe proceeding under the charge of Mr. W. F. Lane, Clerk, with eight men to New Caledonia.

15. Summer Arrangements—

Athabasca—Fort Chippewyan,	Four men.
Gt. Slave Lake,	Three men.
Dunvegan,	Three men.
Vermilion,	Three men.

16. That Chief Factor William McKintosh, John McDonald, and Charles Ross, Clerks, remain inland and be appointed as Chief Factor Charles may consider expedient.

17. That Chief Trader Colin Campbell be provided with a passage from Fort Chippewyan in order to avail himself of an exchange of Rotation of Furlough with Chief Trader Miles; that a passage be likewise provided for Chief Trader Alex. Rodk. McLeod in order to avail himself of an Exchange of rotation of Furlough with Chief Trader John Siveright; and a passage be provided for Charles Brisbois, retiring Clerk.

18. That Chief Factor Christie be directed to forward 160 pieces Goods to Norway House for Athabasca Outfit 1833 by Indians or Red River Carriers.

19. That the Athabasca Sale Shop to servants be transferred to Norway House for Outfit 1832 under the direction of Chief Trader Ross, who will make the necessary Requisition for the same.

20. Winter Arrangements—

McKenzies River—Fort Simpson, John Stuart C.F.
Alexr. R. McLeod C.T.
Riv're au Liard, M. McPherson, Clk.
Fort Norman, Chas. Brisbois do
Fort Good Hope, John Bell do
Fort Halkett, John McLeod do

21. That about 250 pieces Goods forwarded in 4 Boats from Norway House for Portage la Loche constitute the current Outfit for McKenzies River.

22. Summer Arrangements—

McKenzies River—Fort Simpson, Two men.
Riv're au Liard, Three men.
Fort Norman, Two men.
Fort Good Hope, Three men.
Fort Halkett (Removed to West branch), Ten men.

The proximity of the establishment of Fort Halkett to Riviere au Liard being found to interfere with the Trade of the latter Establishment and it being desirable to settle the valuable country discovered last year by Mr. John McLeod, Clerk, situated on the West branch of the Liard River towards the skirt of the Rocky Mountains, it is Resolved

23. That Chief Factor Stuart be directed to take the necessary steps to abandon the Post of Fort Halkett and to form an establishment to bear the same name on an eligible spot in the upper part of the west branch in the course of the Summer, to be occupied by Mr. John McLeod, Clerk, during the Winter 1833/34, so as to enable him to prosecute his discoveries in that quarter in course of the following Summer.

24. That it be discretionary with Chief Factor Stuart to regulate the appointments and to make such alterations in the Summer Arrangements of the District as he may consider expedient.

25. That 4 Boats and a Canoe or 5 Boats be employed to bring out the Returns Summer 1833 to Portage la Loche.

26. That Chief Factor Christie be directed to forward 250 pieces Goods to Norway House of McKenzies River Outfit 1833, the same to be transported thence in 4 Boats, to start from Norway House on or before the 15th June, three of which to be manned by people to be engaged for the trip at Red River—say 7 men each & the fourth by 7 Servants exclusive of the Guide and to be accompanied by a Clerk or Postmaster of the District.

27. That Chief Trader Alexr. Rodk. McLeod be permitted to withdraw from the District next Season for the purpose of availing himself of the exchange of Chief Trader John Siveright's Rotation of Furlough, in order to obtain medical advice, being in bad health; and that Charles Brisbois Clerk be permitted to withdraw from the District, having given notice of his intention to retire from the Service, unless Chief Factor Stuart may consider it necessary to re-engage him.

28. Winter Arrangements—

English River—Isle a la Crosse,	Rodk. McKenzie C.F.
Rapid River,	Geo. Deschambeault Clk.
Green Lake,	An Interpreter.
Cumberland Ho.,	Thos. Isbister P.M.

29. That 100 pieces Goods in 2 Boats manned by 12 men constitute the Current Outfit for the three first Posts of that District; & that (number omitted) pieces constitute the Current Outfit for Cumberland Post, to be taken in by the Saskatchewan Brigade, into which the three voyaging Servants belonging to that Post will be drafted.

30. Summer Arrangements—

English River—Isle a la Crosse,	Three men.
Rapid River,	A Clerk & 1 man.
Cumberland Ho.,	A P.M. & 1 man.

31. That a quantity of dried provisions equal to 80 Bags Pemican be provided and forthcoming for the use of the outward and inward bound Northern Craft, Spring & Summer 1833.

32. Winter Arrangements—

Saskatchewan—Edmonton,	John Rowand, C. F.
	Richd. Grant, Clk.
Carlton,	J. P. Pruden, C.T.
	Henry Fisher, Clk.

Piegan Post,	J. E. Harriott, C.T.
	Patk. Small, Clk.
Fort Assineboine,	An Interpr.
Jasper's House,	Michel Klyne, P.M.
Lesser Slave Lake,	Geo. McDougall, Clk.

33. That the establishment of Fort Pitt be abandoned in consequence of the danger arising from War Parties frequenting that neighborhood.

The recent defection of the Piegan tribe rendering it unnecessary to maintain the Rocky Mountain House which was originally established for their convenience, it is Resolved

34. To abandon that Post and to establish a new Post to be called the Piegan Post on the borders of the 49th Parallel of Latitude, with a view to attract that Tribe, and to prevent other Indians who are in the habit of frequenting the Honble. Company's Posts in the upper part of the Saskatchewan from crossing the line.

35. That about 250 pieces Goods in 8 Boats manned by 40 men constitute the Current Outfit.

It being found that the annual supply of Pemican, required for Norway House and the Lower Establishments, does not exceed 600 pieces and that there will this season be a large surplus on hand which cannot be preserved from damage, it is Resolved

36. That not exceeding 600 pieces be brought out from the District Summer 1833, for which the District will receive credit at the rate of 2d per lb., and 50 Bags fine Pemican which will be credited at 3d. per lb.

37. That Chief Factor Rowand be instructed to bring to the Depot all the clean rendered Tallow he can collect, made up in Hide Ceroons of 1 cwt. each, for exportation, provided it can be purchased at a price not exceeding 2d. per lb.

38. Summer Arrangements—

Saskatchewan—	Edmonton,	J. E. Harriott & 12 men.
	Carlton,	A Clerk & 8 men.
	Fort Assineboine,	1 man.
	Jaspers House,	A P.M. & 1 man.
	Piegan Post,	Abandoned during summer.

39. That Chief Trader J. P. Pruden be permitted to visit the Depot next Summer agreeably to his request, and that Chief Trader Harriott, Patk. Small, and Henry Fisher, clerks, remain

inland and be appointed as the Chief Factor superintending the District may consider expedient, likewise George McDougall, Clerk, unless he wishes to retire from the Service.

40. That the requisite number of horses be provided at Edmonton for the transport of the Columbia property to Fort Assineboine, the charges for transport to be 5/ for each piece of 90 lb. Weight and that Craft be always in readiness at Fort Assineboine and the Rocky Mountain House for the conveyance of people and property belonging to the Columbia Department.

41. That Chief Factor Rowand be instructed to provide 1200 pairs tracking Shoes to be brought out to the Depot.

42. Winter Arrangements—

Swan River—Fort Pelly, Wm. Todd, C.T.
Geo. Setter, P.M.
Fort Ellice, Jas Hughes, Clk.
Manitobah, An Interpreter.
Swan River, An do.

43. That 160 pieces Goods in 4 Boats with 24 men constitute the Equipment of the Current year.

44. That Chief Trader Todd be directed to contract with freemen for the delivery of 200 to 300 Bushels Salt at Norway House at a price not exceeding 5/ per Bushel.

45. That Chief Trader Todd be directed to provide 3 new Boats for distribution, exclusive of the Craft belonging to the District.

46. That the Trade in provisions in the District be discouraged, but that Chief Trader Todd be directed to collect good clean rendered Tallow for exportation, at a price not exceeding 2d. per lb.

47. That every encouragement be given with a view of increasing the Returns on the article of Buffalo Robes, in order to withdraw the plain Tribes from the American Establishments on the Missouri, the price however not to exceed 3/ each.

48. Summer Arrangements—

Swan River—Fort Pelly, Geo. Setter, P.M. & 1 man
Fort Ellice, Jas. Hughes, Clk., an Interpreter & 6 men.
Manitobah, An Interpreter.
Swan River do

49. That Chief Trader Todd be directed to send the Returns of Fort Pelly and Fort Ellice out via the Assineboine River, and those of the other Establishment via the Dauphin River, and that the Crew of the Boats be made up to 4 men each by Freemen or Indians engaged for the trip at Norway House.

50. Winter Arrangements—

Red River—Fort Garry or new Fort, Dond McKenzie, C.F.
Wm. Hendry, Surgn.
Thos. Simpson, Clk.
Pierre Le Blanc, P.M.
Warden of the Plains, Cuthbert Grant.

51. That supplies for the use of the Colony Shop and Indian trade amounting to about 600 pieces be provided and forwarded on freight by Servants and Freemen.

52. That purchases be made at the Colony of the following supplies made up in sound and transportable package, at not exceeding the annexed prices Viz:

110	Bushels rough barley at	2/
30	Kegs cured Butter,	7d. p lb.
110	Bushels hulled Indian Corn,	4/
16	Cwt. Best cured Beef, Briskets & Ribs,	3d. per lb.
1200	" Flour 1st & 2nd quality mixed,	10/6
60	Cured Pork Hams,	4d. per lb.
10	Bush. white Pease,	3/
60	Cwt. cured Pork,	2½d. per lb
250	Portage Slings,	2/ each.

53. That the freight to be allowed to Carriers and Districts during the Current year for the transport be as follows viz.:—

From York Factory to Red River	18/	per piece.
York Factory to Norway House	14/	"
York Factory " Oxford House	10/	"
Oxford House to Norway House	4/	"
Norway House to Red River	4/	"
Red River to Norway House	1/	"
Norway House to Oxford House	2/	"
Oxford House to York Factory	3/	"

54. That 18 men the crews of three boats be engaged for the season of open water to be employed as may be required at £16 per Steersmen, £14 for Bowsmen and £12 for Middlemen.

55. That 21 men, the crews of three Boats, be engaged for the McKenzies River transport and any other duties that may

be required of them for the season of open water at £16 for Steersmen, £14 for Bowsmen, and £12 for Middlemen.

56. Winter Arrangements—

Red River Experiml Farm, Jas. McMillan C.F.
Sale Shop at the Forks, Joseph Charles Clk.
New Post at Portage La Prairie, John R. McKay P.M.

57. That Chief Factor McMillan be provided with supplies from time to time from the new Fort for the sales to Settlers and Indian trade at the Forks, and that an Outfit of 30 pieces Goods for a new Post to be established at Portage la Prairie be forwarded in the Swan River Brigade on Freight.

58. That the Establishment of Clerks & Servants under the direction of Chief Factor McMillan for the Experimental Farm, the sale and Indian Shop at the Forks and the new Post at the Portage be as follows viz:

Experimental Farm,	Five men.
Shop at the Forks,	Joseph Charles, Clk & 1 man.
New Post,	J. R. McKay, P.M. & 4 men.

As Governor Simpson purposes spending the ensuing Winter at Red River he will make such further arrangements or alterations in the foregoing as he may consider expedient.

Resolved 59. Winter Arrangements—

Lac la Pluie—Fort Frances,		John D. Cameron, C.F.
		Wm. Sinclair, Clk.
	Lac du Bois Blanc,	Chas. W. Bone, Clk.
	White Fish Lake,	Jas. Isbister, Intr.
	Dalles,	Wm. Clouston, P.M.
	Shoal Lake,	A Laborer.
	Fort Alexander,	Thos. Taylor, P.M.

60. That about 260 pieces Goods in 5 Boats manned by 25 engaged servants assisted by Trippers for the inland voyage constitute the Current Outfit for this District and that 5 new Bark Canoes be provided, one of which to be brought to Norway House with 30 Fathoms best bottom and side Bark.

61. Summer Arrangements—

Lac la Pluie—Fort Frances,		Chas. Bone, Clk. & 3 men.
	Lac du Bois Blanc,	An Intr. & 1 man.
	Fort Alexander,	Wm. Clouston, P.M., & 2 men

62. That Chief Factor Cameron be authorized to make such alterations in the above mentioned engagements as he may consider expedient.

63. Winter Arrangements—

Norway House—Norway House, Dond. Ross, C.T.
Benens River, Two men.
Grand Rapid, Robt. Cummings, P.M. & 2 men.

64. That 5 men be provided for the business of Norway House and five men for the 2 Posts on Berens River, that the requisite Outfit of pieces Goods be taken upon Freight, and men to make up the complement of people for the District be forwarded by the Lac la Pluie Brigade.

65. Summer Arrangements—

Norway House—Norway House, Dond Ross, C.T.
Wm. Sinclair Clk & 5 men
Berens River, Robt. Cummings P.M. & 1 man

66. That Red River produce of every description be valued on Inventory at Norway House and York at prime cost with 33½ per cent thereon, to cover freight, packages and other charges at Red River and when sold to Servants the price to be 12½ per Cent on Inventory Tariff.

Serious inconvenience having been experienced from the irregular practice which has been heretofore observed at this Depot, of opening accounts with other Establishments and Servants belonging to other Districts; it be Resolved

67. That with the exception of Red River produce no supplies of any description be given to either Districts or Servants from this Establishment.

68. That this Establishment be considered the Depot of Athabasca District; its Outfit & Supplies for Servants to be forwarded from York Factory without any charges additional to those actually paid, and that Norway House be allowed 12½ per cent advance upon York or Inventory prices on sales to the Servants of Athabasca District, in order to cover a charge of storage, packing, &c. &c.

69. That the Boat Carpenter attached to the McKenzies River Freight Brigade be employed at Norway House during the Winter or Spring in repairing all the old Craft belonging to that Establishment.

70. That the two decked vessels employed in the Lake Winipeg transport be laid up at Norway House during the Winter and dispatched to Red River for Cargoes at the opening of the navigation, and that the crews be occupied during

the dead season of the year in opening the Winter Road and other work connected with that object.

71. Winter Arrangements—

Island Lake—Oxford House, John Lee Lewes, C.F.
Windy Lake, Wm. McKay, P.M.
Merrys House, An Interpreter
Manitoo Lake do

72. That about 80 pieces Goods in 1 Boat navigated by 9 men constitute the Current Outfit of this District.

73. That Chief Factor Lewes be directed to employ two Boats manned by Indians in transport next Summer between Norway House and York Factory and to take the necessary measures to transport Red River Produce from Norway House to the head of Oxford Lake, there to be in readiness for transport the following Winter by the Winter Road.

Winter Arrangements—

It being very desirable to follow up the Winter Road plan, which in due time promises important advantages to the country at large, it is Resolved

74. That the work be continued under the direction of Chief Factor Lewes and that to carry it on the services of 20 supernumeraries be at his disposal for that object from the month of October until the month of April next. likewise that such facilities be afforded by the Establishments of York Factory and Norway House towards the execution thereof as may not subject the business to material inconvenience.

75. Summer Arrangements—

Island Lake—Oxford House, Wm. McKay, P.M. & 1 man.
Windy Lake, A Labourer.
Merrys House do
Manitoo Lake do

76. Winter Arrangements—

York—York Factory, Alexander Christie, C.F.
Robert Miles, C.T.
Jas. Hargrave, Clerk.
John Ballenden, do.
Archd. McKinlay, do.
Churchill Robert Harding, do.
Nelson River Andw. Wilson, P.M.
Severn John Rendall, do.

77. That 25 men including mechanics constitute the Winter and Summer Establishment of Yorkfactory; 6 men the Winter & Summer Establishments of Churchill; 3 men the Winter & Summer Establishment of Split Lake; and 3 men for the Establishment of Severn Post; that the Outfit of Churchill amounting to about 100 pieces Goods and provisions and that of Severn amounting to about 50 pieces Goods and Provisions be forwarded by such means as Chief Factor Christie can provide in course of the season, and that the Outfit of Nelson River amounting to about 40 ps. Goods be forwarded in a Boat manned by Servants with Indians.

78. That Chief Factor Christie be instructed to encourage the Oil trade at Churchill, which at the present high prices for that article is considered worthy attention.

Since passing the foregoing Resolutions Chief Factor Robertson arrived at the Depot and accordingly takes his seat at the Board which now forms a full Council.

79. Columbia Arrangements—

Fort Vancouver, Fort Colvile, Flat Heads.
Coutanais, Thompsons River, Okanagan.
Fort Nez Percez, Fort Langley, Fort Simpson.

Shipping, Snake Expedition or New Establishment—John McLoughlin and Duncan Finlayson, Chief Factors; Samuel Black, P. S. Ogden, Francis Heron, Archd. McDonald, Robt. Cowie and John Work, Chief Traders; James Douglas, James Birnie, William Kittson, Francis Ermatinger, Dond. Manson, F. M. Annance, Thos. McKay, Pierre C. Pambrun, George F. Allan, and Alexander Anderson, Clerks; and Masters and Mates of Vessels.

80. That it be discretionary with Chief Factor McLoughlin to make the appointments of those Gentlemen as he may consider expedient.

81. That men be provided for the District to accompany the Saskatchewan Brigade under the charge of Chief Trader Harriott until they reach Edmonton; from thence proceed under the charge of Chief Trader Heron to Fort Colvile and from thence under the charge of Chief Trader Cowie to Vancouver in the absence of further instructions from Chief Factor McLoughlin.

82. That Chief Factor McLoughlin take the necessary steps to employ the shipping in the coasting and timber Trade and

to carry into effect the other objects noticed in the Governor and Committee's Dispatch of 21st September, 1831, and in Governor Simpson's Letter of 12th inst.

Resolved 83. That Chief Factor McLoughlin be at liberty to avail himself of his Rotation of Furlough next year by re-crossing the Mountains in Spring, taking a voyage to the Southward or taking a passage to England by the return Ship of the season, in which case the principal superintendence of the Department will devolve, as a matter of course, on Chief Factor Finlayson with all the power lately vested in Chief Factor McLoughlin, but should Chief Factor McLoughlin not avail himself of his rotation of Furlough nor re-cross the mountains he retain the superintendence of the District as heretofore.

84. Columbia continued—*New Caledonia.*

Stuart's Lake, Fraser's Lake, McLeod's Lake, Alexandria, Babines, Conolly's Lake, Fort George, Chilcotins.

Peter Warren Dease, Chief Factor; Simon McGillivray & Alexr. Fisher, Chief Traders; Thomas Dears, George Linton, Dond. McKenzie & W. E. Lane, Clerks; Chas. Roussin and Benjamin McKenzie, Post Masters.

85. That a canoe with 8 men and W. F. Lane, Clk., be forwarded via Athabasca for the services of New Caledonia Department.

86. That it be discretionary with Chief Factor Dease to make the appointments of the above mentioned Gentlemen, together with the requisite Establishment of Servants as he may consider expedient.

87. That 530 dressed Mooseskins, 18 parchments skins, 100 lbs. Babiche snares and Beaver nets, 2000 Fathoms Pack Cords, 30 lbs. Sinews and a sufficient quantity of Grease to make up 50 pieces in all, be provided at Dunvegan for the use of New Caledonia District & be sent for in the Autumn of every year by the Gentleman in charge of that District.

88. That a complete Outfit for the New Caledonia Outfit conformably to Requisition be provided at Fort Vancouver by next Spring, and that the requisite horses and appointments &c. &c. to effect the transport thereof be forwarded from the Columbia.

And with reference to further arrangements connected with the Columbia Department generally

89. That the same be determined by Governor Simpson in correspondence with Chief Factors McLoughlin and Dease.

With regard to the establishment of Ungava from whence no advice has yet been received, it is Resolved

90. That the arrangements connected with that District be left to the direction of Governor Simpson.

91. That Chief Factors and Chief Traders in charge of Districts and Posts where regular Tradesmen are employed, be authorized to engage strong, healthy half-breed lads, not under fourteen years of age, as apprentices to be employed with those Tradesmen for the purpose of acquiring a knowledge of their business, on a term not less than seven years at the following wages which are considered sufficient to provide them with clothes and other necessaries viz: The 2 first years at £8 per annum, the next two years at £10 per annum, the two following years at £12 per annum and the last year at £15 per annum, making for the seven years' apprenticeship an allowance of £75, such lads not to be employed with their Fathers, or in the District where their Fathers or families reside.

92. That the grants given by Governor Simpson last Winter of £100 towards the building of a new Protestant church at Red River Settlement be confirmed.

Great benefit having been derived from the benevolent and indefatigable exertions of the Catholic Mission at Red River in the welfare, moral and religious instruction of its numerous followers; and it being observed with much satisfaction that the influence of the Mission under the direction of The Right Reverend The Bishop of Juliopolis has been uniformly directed to the best interests of the Settlement, and of the Country at large, it is Resolved

93. That in order to mark our approbation of such laudable and disinterested conduct on the part of said Mission, the sum of £50 be granted towards its support together with an allowance of luxuries for its use.

94. That for the purpose of transmitting corrected accounts for the Depot of the Summer transactions as well as of conveying information relative to the Districts in general, a Winter Express from the Depot and the interior be appointed to meet at Carlton House; the one to proceed northward via Isle a la Crosse and Athabasca, and the other southward via Fort Pelly and Norway House, and that steps be also taken by means of Indians or otherwise to forward from the Depot to Norway House or Cumberland before the closing of the navigation, any private letters conveyed by the Ship in order that the same may reach their respective destinations before the departure of the Craft and Returns in Spring.

That all letters on public business be in triplicate under official signature and when intended for general circulation be addressed to The Governor, Chief Factors and Chief Traders.

95. That the Winter Packet from York for Moose be forwarded via Severn and Albany.

96. That the different Districts or divisions of Districts in the Northern Department be restricted to not exceeding the following number of Beaver for the Current Outfit founded on an average list of Returns for the three years as expressed in number 131 Minutes of Council 1825, viz: Athabasca 5000, Saskatchewan 5500, English River 650, Cumberland 150, Swan River 400, Winipeg (L.L.P.) 150, Norway House 120, Island Lake 100, Nelson River 400, York & Churchill 300.

97. That the Gentlemen in charge of Districts & Posts be directed to use their utmost endeavours to collect large quantities of Leather dressed and Parchment, Buffalo Robes, Pack Cords, Snow shoe line, Sinews, tracking Shoes, Leather Tents, &c., &c., as they are articles absolutely necessary for the trade in many parts of the Country and cannot be purchased in Europe or Canada.

98. That Gentlemen in charge of Districts and Posts be directed to furnish annually with the Inventories a list of the articles in use at each Post, distinguishing them according to the condition as good, half worn, much worn; also a list of cattle or other live stock, and the number of acres in cultivation, and quantity of seed sown for the next crop with quantity reaped the preceding Summer. The cattle should be distinguished Bulls, Cows of the several ages, calves one year old, two years old, three years old and upwards, without any valuation affixed.

99. That the undermentioned Clerks and Postmasters whose contracts have expired be re-engaged for the term and the salaries affixed to their names, viz.:

Clerks.

George F. Allan	for 3	years at	£ 60	p. annum.
F. N. Annance	3	"	100	"
James Birnie	3	"	100	"
Charles Bone	3	"	75	"
James Douglas	3	"	100	"
Henry Fisher, Junr	3	"	100	"
Richard Grant	3	"	100	"
William Kittson	3	"	100	"
George Linton	3	"	100	"
John McDonell	3	"	100	"

Archd. McKinlay (Apprentice)	5 years at	£20, 25, 30, 40, 50
Wm. G. Rae	3 "	75
J. M. Yale	3 "	100

Postmasters.

Robert Cummings	for 3 years at	£ 40 p. annum.
George Setter	3 "	50 "

100. That John Tod, Clerk, be allowed leave of absence for one year for the benefit of medical advice being in ill health.

101. That James Heron, Clerk, be permitted to retire from the Service.

Serious inconvenience to the Service having in many instances arisen from the circumstance of Clerks in distant parts of the Country applying for permission to visit the Depot or withdraw from the District without having previously consulted the Commissioned Gentleman superintending the District and to guard against a recurrence of such inconvenience, it is Resolved

102. That no such permission shall be granted in future unless the applicant first submit his request in writing to the Gentleman superintending the District to which he belongs who is hereby directed to report on the same for the information of the Governor and Council.

103. That the amount of requisition from England for shipment 1833 for Outfit 1834 do not exceed ten Thousand pounds Ster.

104. That the annexed Standing Rules and Regulations be considered in force and acted upon accordingly until rescinded.

105. That this Council do now adjourn.

(Sigd.) George Simpson, Governor.
Colin Robertson, Chief Factor.
J. D. Cameron, "
John Stuart, "
Alexr. Christie, "
Wm. McKintosh, "
John Lee Lewes, "
Rodk. McKenzie, "
Francis Heron, Chief Trader.
Robt. Miles, "
J. E. Harriott, "
Robt. Cowie, "
Wm. Todd, "

York Factory, 16th July 1832.

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